



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.

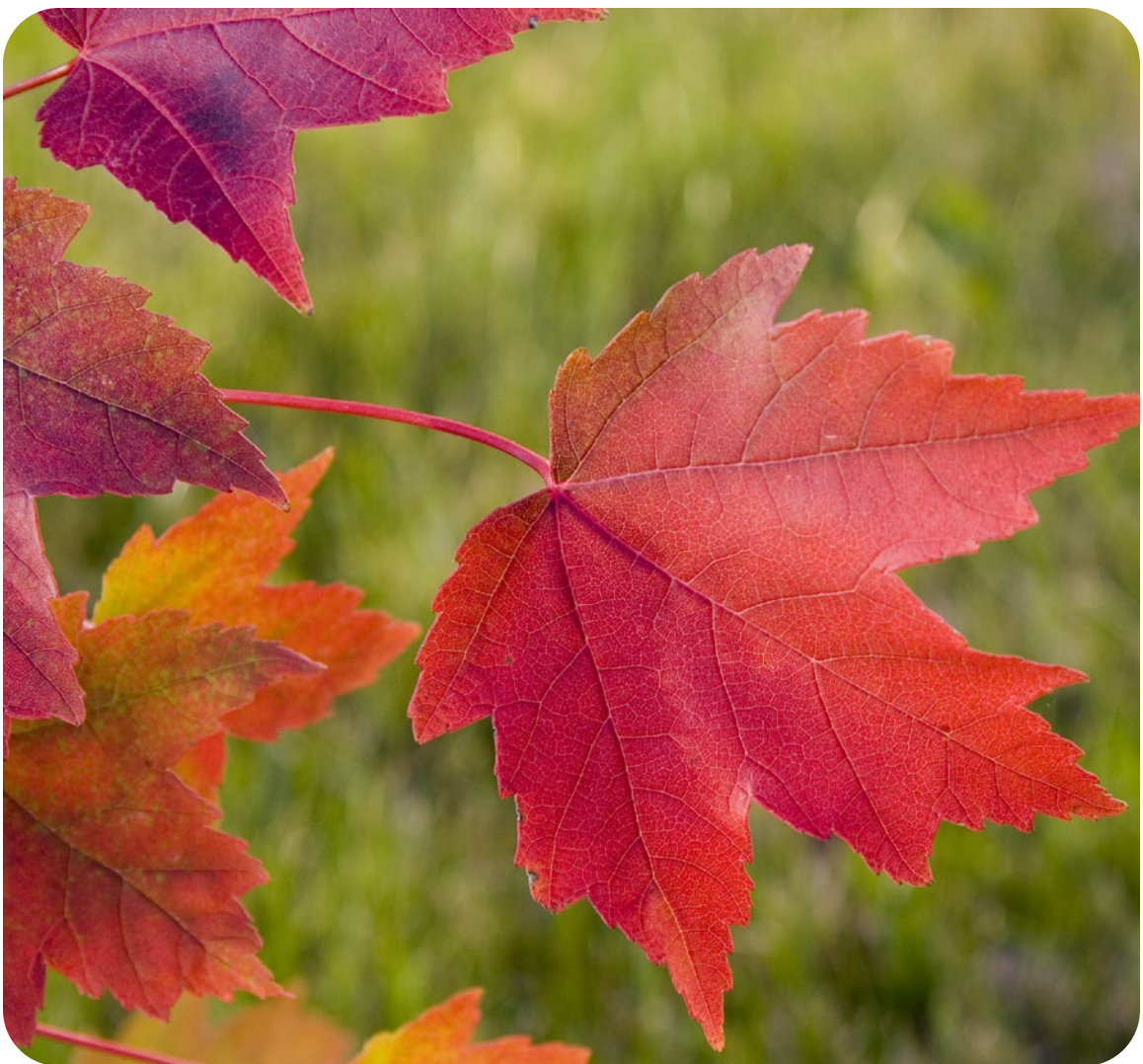
Building on these findings, Nature Canada launched the Work to Grow program in 2021, creating over 300 employment opportunities for BIPOC youth between 2021 and 2022. While the first year of the program was a success, it also revealed challenges, including a discrimination claim filed against one of 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).

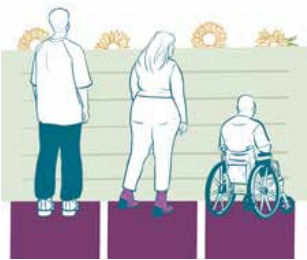
From a hiring perspective, this means that employers must be aware of which groups of people have faced (and continue to face) discrimination and why; what barriers to employment these groups may face, and how employers can intentionally reduce or mitigate these barriers.

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.

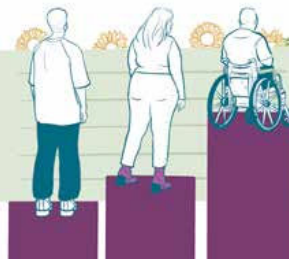
Equality and equity

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.

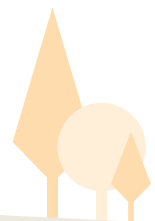
We engage in employment equity work so that excluded individuals and groups can fully participate in equal work opportunities, and so that workplaces are fair, just and welcoming for everyone. Not to mention [organizational advantages](#) like having more diverse perspectives to support decision-making, 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 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.

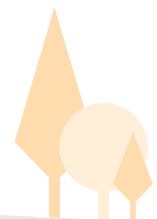
The role of the HRC is to guide and approve these programs to ensure compliance with the Human Rights Code, ensuring that they do not unintentionally discriminate against other groups. This process ensures that special programs are focused, justifiable, and proportional to the issues they are designed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



05

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](#),
Page 6



APPENDIX A: ENGO SECTOR SURVEY

MIND THE GAP: RACIAL REPRESENTATION IN CANADA'S ENGO SECTOR

Background

Recent years in Canada have seen an uptake of interest in equity initiatives, even as many non-profit organizations report struggling to secure funds, skills and capacity to prioritise addressing lack of equity, diversity and inclusion in workplaces¹. Organizations in Canada continue to pursue this important work, despite alarming backlash in the neighbouring United States, resulting in setbacks on decades of progress in that country. This underscores how critical it is to re-assert the importance of this work and recommit to the values of justice, diversity and inclusion just as they are under threat, including by some in Canada.

Anecdotally, colleagues in the nature, environment and climate sector (aka “ENGOS”) have experienced and shared observations that the sector is still largely dominated by white settlers of European ancestry, particularly in leadership roles. A search for data to more clearly illustrate the state of racial representation among staff in the ENGO sector revealed it was lacking.

Statistics Canada captures something similar, under the sectoral banner of “Non-Profit Institutions”², but this is overly broad to be applicable to ENGOS, as is Imagine Canada’s review of the non-profit sector³. Similarly, census reports capture socio-demographic data by employment sector, but no sector category relates specifically to ENGOS. Finally, Carleton University’s Charity Insights Canada Project⁴ seeks similar data, but broadly among charities. These are all important and helpful research initiatives that help us understand the broader context, but none hone down to the ENGO sector.

¹ [Charity Insights Canada Project, #2.37: EDI Actions & Initiatives, 2023](#)

² [Annual Non-Profit Institutions Human Resource Module](#), Statistics Canada, 2021

³ [Shifting Power Dynamics](#), report by Equitable Recovery Collective for Imagine Canada, 2023

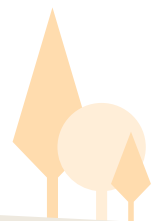
⁴ [Charity Insights Canada Project, #5: Equity, Diversity & Inclusion](#), January 2023

This report, and the survey that informed it, seek to help fill this gap in information and capture a point in time picture of representation of people from Indigenous and racialized communities among Canada's ENGOs to better understand the problem to solve, and to track changes in demographic representation over time. Further, it aims to support ENGOs that would like to explore the use of affirmative action practices in their staff recruitment efforts. All legal jurisdictions in Canada allow for such initiatives - often called "special programs" - and indeed, some encourage or even require it in certain circumstances. Data to illustrate the need for affirmative action is helpful, even as criteria for what specific data is needed to support or defend such programs varies by province.

This work has been gratefully led by Nature Canada, aided by funding and distribution support from The Sustainability Network.

Summary Conclusions

- Survey results point to progress being achieved in closing the gap in representation in some instances. For example, survey responses showed representation on par with the population on a national level, with respect to Indigenous peoples working in the sector.
- There are still significant gaps to address. For example, in the couple instances where survey responses showed representation on par with population for employees, they still fell significantly short on representation in leadership positions.
- There was a correlation between organizations that responded positively to questions about prioritising equity policies and practice and their rates of representation. Organizations that invested in creating equitable workplaces showed better representation figures.
- There is still work to do to counter generations of inequity. Organizations can continue to see progress on closing these gaps if they commit to learning and applying the skills and strategies that are proven to improve inclusivity and equity in the workplace.



Methodology

This report draws on a voluntary, anonymous survey sent to nature and climate organizations across Canada from August 1 through September 6, 2024. The survey was re-opened to allow for additional responses for an additional two weeks thereafter. Responding organizations were not randomly selected, nor is there reliable data for the total number of organizations in the sector with staff. It is unclear how many organizations the survey reached in total, as it was generously distributed by several networks. As such, results should not be taken as statistically sound, but rather a snapshot that provides a sense of the current reality.

Responses were likely limited by knowledge of internal identities by organizational leaders and therefore in some instances, subject to perception. Similarly, the data possibly reflects “responder bias” such that organizations that perceive their representation of diverse peoples to be poor may opt to not participate. It is also likely that questions, such as the level of priority given to equity initiatives, were subject to perception and bias of the individual that responded.

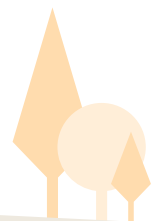
Core questions were designed to surface the approximate percentage of staff, and of paid senior leadership roles (not including volunteer Boards), that identified as being from Indigenous or racialized communities. To align with 2021 national census data and definitions for comparison, “Indigenous” was framed as including people from “First Nations, Metis or Inuit People.”

Similarly, census data uses “Indigenous” and “Visible Minority” as demographic categories (though the latter term is being phased out), whereas the survey asked about Indigenous representation and about “Indigenous, Black or as members of racialized communities,” often referred to as “BIPOC.” To compare BIPOC data from the survey with census data, census population figures for “Indigenous” and “Visible Minority” were combined as the comparator for “BIPOC.”

The rationale for surveying along these particular demographic lines was to test the theory that the ENGO sector is “White dominant and White led,” and ultimately, to support affirmative actions to address this specific problem in under-representation.

Additional questions were added to facilitate analysis by province and territory (where organizations are headquartered), by organization size (per staffing level), and by self-reported level of priority or effort put toward equity, diversity and inclusion.

Analysing by some categories was limited by small sample sizes per category, so the body of this report focuses on where data samples were sizable enough to draw conclusions. For example, most provinces had less than 10 responses, so only Ontario,



BC and Alberta appear in the findings, as well as an aggregate look at the Atlantic Provinces. All provincial data, including sample size, can be found in the appendix, as well as all survey questions.

In total, 198 organizations participated in the survey. Organizations reporting zero staff were not posed these questions. As a result, only 147 of the 198 provided responses to the questions related to racial representation in staff and paid leadership roles. Representation figures, as presented in this report, reflect an average among all responses for the respective categories.

Key Findings

Canada

The 2021 census shows 30.94% of the population identifies as Indigenous or as being from a racialized community (“visible minority” in census terms).

Nationally, average representation among ENGO staff and leadership of people from Indigenous and racialized communities, taken together, was well below population levels.

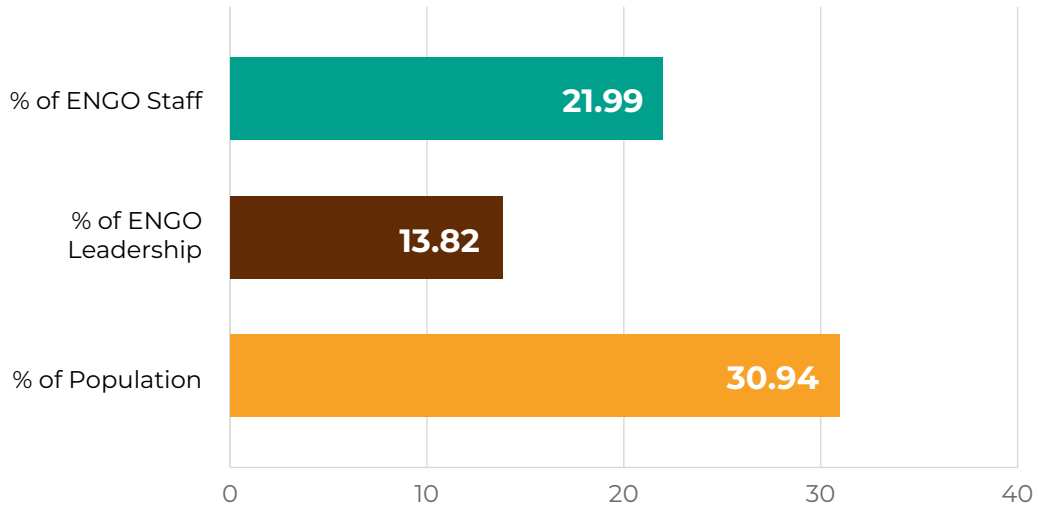
The average representation of racialized and Indigenous communities among ENGO staff that responded to the survey was just under 22% - falling short of 30.94% of the population.

The gap in representation increases for paid leadership roles: 13.82% representation among leadership roles compared to 30.94% of the population.



Figure 1:

Average National Representation of Indigenous & Racialized People Among ENGOs Compared to Population Levels

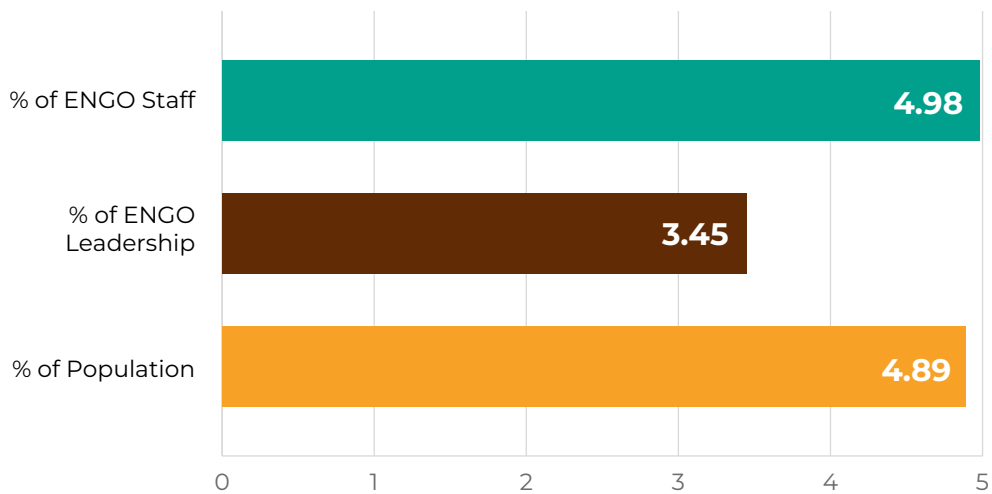


However, looking at Indigenous people only, survey responses showed representation among staff at 4.98%, approximately on par with 4.89% of the population.

A gap in representation emerges for paid leadership roles, with 3.45% of these roles reportedly held by Indigenous people, compared to 4.89% of the population.

Figure 2:

Average National Representation of Indigenous People Among ENGOs Compared to Population Levels

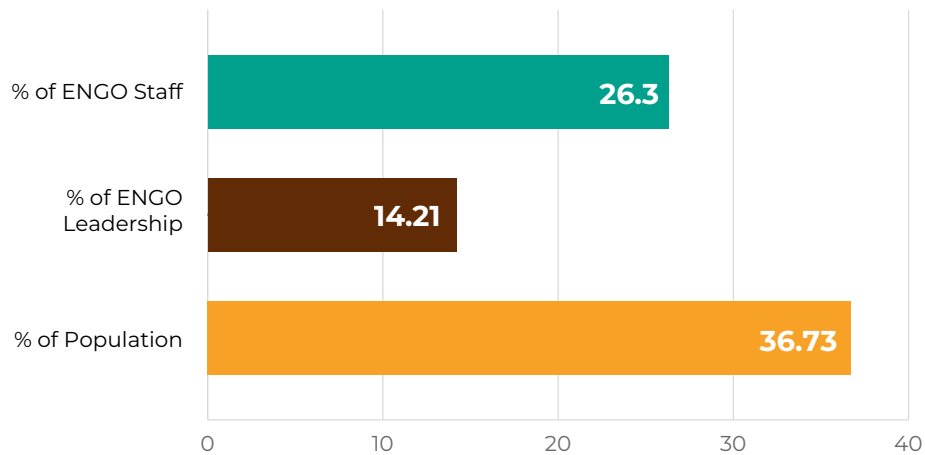


Regional

In Ontario, average representation of Indigenous or racialized people among ENGO staff was 26.3%, compared to 36.73% of the population - a similar gap to the national level. However, for leadership roles, representation drops to 14.21%, a greater gap than the national average.

Figure 3 (based on 66 responses):

Ontario: Average Representation of Indigenous and Racialized People Among ENGOs Compared to Population Levels



Both Alberta and British Columbia (B.C.) reported greater gaps in overall staff representation levels than the national average, with Alberta showing nearly double the national gap.

In Alberta, 33.94% of the population identified as Indigenous or racialized in the 2021 census. Alberta's reported average of 14.69% representation among ENGO staff represents a gap nearly double the national gap.

In B.C., 39.59% of the population identified as Indigenous or racialized in the 2021 census. B.C.'s reported average of 22.61% representation among ENGO staff represents a greater gap than the national gap.

Gaps in leadership roles were greater. Alberta reported an average of 7.23% representation among paid leadership roles, far below the 33.94% population level. In B.C., Indigenous or racialized people represented 20.04% of paid leadership roles, approximately half the 39.59% population level.

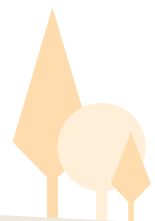
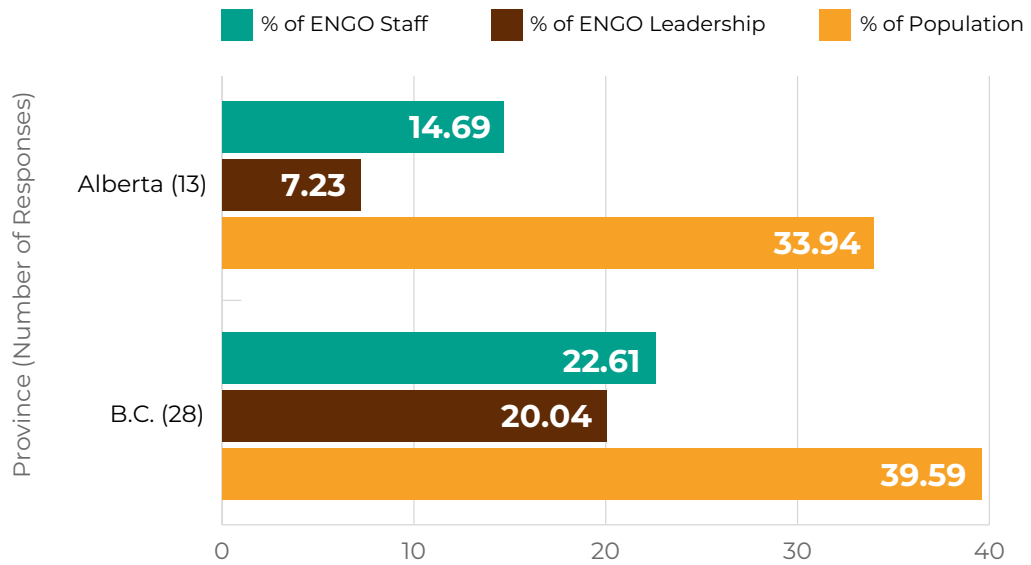


Figure 4:

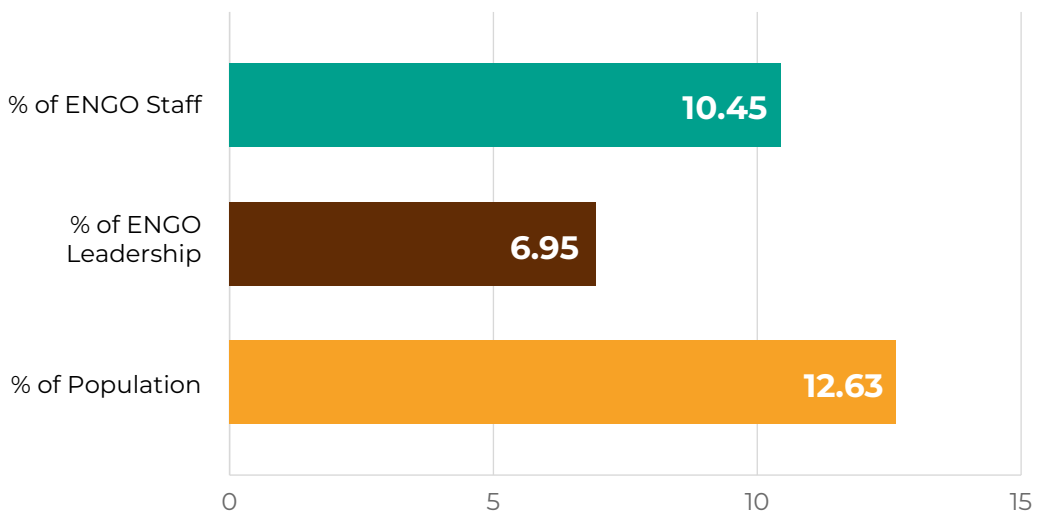
Representation Levels in Alberta and B.C. Relative to Population Levels



In Atlantic Canada*, average representation of Indigenous and racialized people among ENGO staff was 10.45%, compared to 12.63% of the population - a lesser gap than the national average. For leadership roles, representation drops to 6.95%, a more significant gap.

Figure 5:

Atlantic Provinces: Average Representation of Indigenous and Racialized People Among ENGOs Compared to Population Levels



*Atlantic Canada figures aggregate 20 total responses from New Brunswick, Newfoundland & Labrador, Nova Scotia and Prince Edward Island

Organizational Size

Trends for representation along the lines of organization size are non-linear, with smallest organizations reporting the greatest gaps, and mid-sized organizations reporting the least.

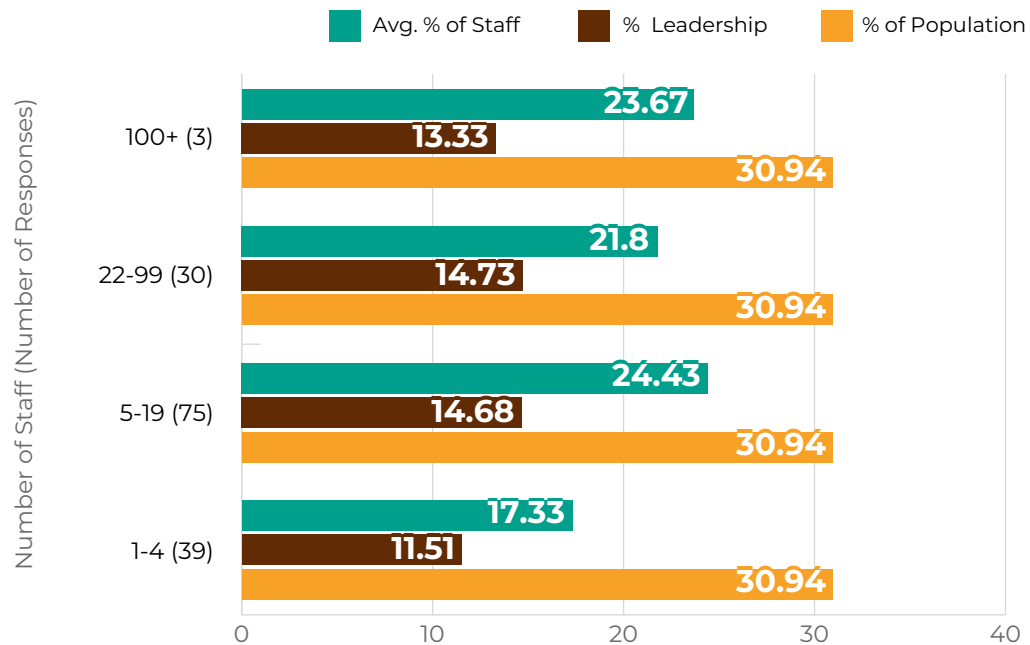
The smallest organizations (1-4 paid staff) showed the greatest gap in representation relative to national population levels (30.94%). Survey participants reported an average of 17.33% of staff as being from Indigenous or racialized communities, and only 11.51% of staff in paid leadership roles - both greater gaps than the national average,

Organizations with 5-19 paid staff reported the highest levels of representation on average, with Indigenous and racialized people representing 24.43% of staff, and 14.68% of paid leadership roles - both lesser gaps than the national average.

Larger organizations, with 20-99 paid staff, showed average representation gaps comparable to national gaps for both staff and leadership: 21.8% of staff and 14.73% of leadership roles.

Figure 6:

Representation Levels in Alberta and B.C. Relative to Population Levels



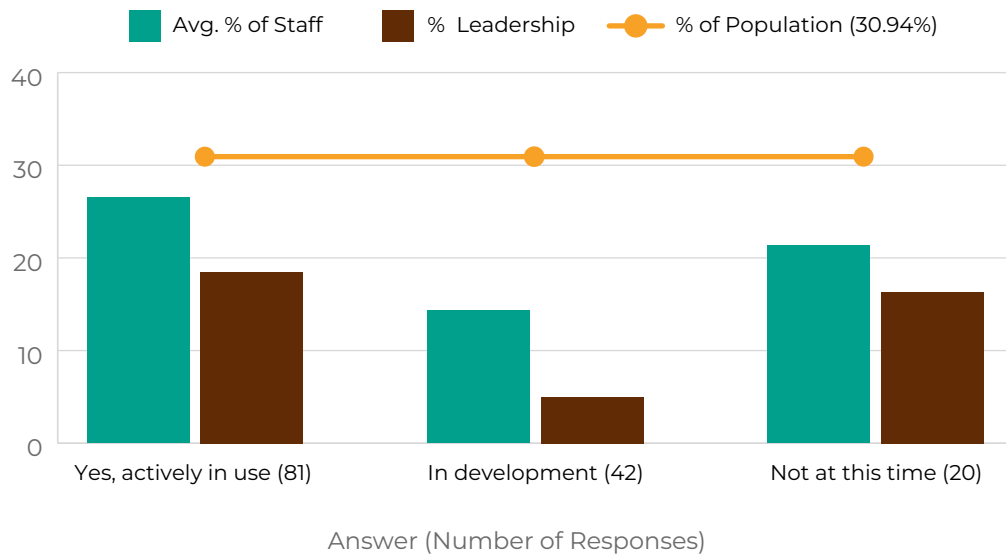
Representation Relative to EDI Efforts & Priority

Organizations actively using policies related to improving equity, diversity and inclusion reported the highest representation levels. However, the trend was non-linear.

Figure 7:

Representation Levels by EDI Practices

Q: Do you have EDI-informed policies related to hiring and onboarding?



Similarly, organizations that rated these types of efforts as the highest priority reported the greatest representation levels. They were asked: “If capacity were not a factor, on a scale of 1 - 5 (1 = low; 5 = highest), how much of a priority would you place on implementing EDI policies and training in your organization?” Again, trends were non-linear, but clearly showed that those leaders placing the highest priority (answering “5”) reported the highest levels of representation.

Notably, organizations that reported being Indigenous-led (80-100% representation in leadership roles) showed the best representation levels, underscoring the importance of representation in leadership to effect positive outcomes.

Conclusion

This survey reached nearly 200 nature and climate organizations across the country to ask about racial representation of staff and of paid leadership roles. Despite responder bias that might influence responses, the survey has been effective in illustrating that gaps do exist.

Results illustrated that the ENGO sector has more work to do to continue to close the gap in racial diversity. It also provided some encouraging outcomes, with some representation levels reaching or exceeding parity. This, and the positive outcomes of prioritising efforts to achieve equity, diversity and inclusion show us the way forward to continually improve on progress so far.

Nationally, respondents reported that racialized people made up only 22% of staff, on average, compared to being approximately 31% of the population.

When asked specifically about staff in leadership roles, representation fell to approximately 14% - less than half of what would be representative of Canada as a whole. In line with other studies⁵, representation levels drop when looking at leadership roles - reflecting a need to pursue equity and inclusion within internal cultures, alongside recruiting diverse talent.

Gaps in representation, between the average percentage of racialized people among ENGO staff and any given province's racialized population were greatest in Alberta, and lesser in Ontario and Atlantic Canada.

Mid-sized organizations, with staff of 5-19 showed the least gaps in representation, as did organizations that reported actively using EDI-informed policies or placed the highest priority on such efforts.

It's worth emphasising that organizations that held strong commitments to establishing and practicing EDI policies and principles showed better representation (lesser gaps) of racialized and Indigenous people. Adopting EDI policies and principles is an effective approach to closing gaps in representation.

Every corner of Canada's ENGO sector, with the possible exception of Nunavut, has work to do to actively create organizational cultures and practices that recruit and safely support staff and leadership to be reflective of our populations. And, we know that placing a high priority on developing and implementing EDI-informed policies is the way to "mind the gap" in racial representation in Canada's ENGO sector.

Seeking additional, specific data for your region or organization may be advisable for organizations looking to explore and support affirmative action as part of their toolkits.

⁵ [Diversity and Inclusion in Non-profit Leadership in Ontario: Are We There Yet?](#), CivicAction, November 2023

SURVEY

Provincial Data

To review data by all provinces, [see here](#).

Survey Questions

PART 1: About Your Organization

1. Which legal jurisdictions guide your labour practices? *Select all that apply.*

- Alberta
- British Columbia
- Manitoba
- New Brunswick
- Newfoundland & Labrador
- Northwest Territories
- Nova Scotia
- Nunavut Territory
- Ontario
- Prince Edward Island
- Quebec
- Saskatchewan
- Yukon Territory
- We are federally registered

2. Which province or territory are you *headquartered* in? *Select one.*

- Alberta
- British Columbia
- Manitoba
- New Brunswick
- Newfoundland & Labrador
- Northwest Territories
- Nova Scotia



- Nunavut Territory
- Ontario
- Prince Edward Island
- Quebec
- Saskatchewan
- Yukon Territory

3. Which of the following best summarises the mission of your organization? *Select all that apply.***

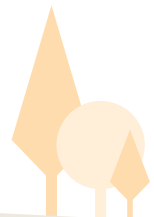
- Conservation, restoration (habitat or species)
- Climate change policy, solutions
- Outdoor recreation, access to nature
- Education, cultural
- Indigenous-led conservation
- Primarily research, policy focused
- Primarily advocacy, campaigns focused
- Both research and advocacy
- Other (write in)

** There had been an intention to analyse by type of mission, but it was determined that the question related to this would be misleading as a “choose one” question type, and was opened up to allow for “select all that apply.” One consequence of this is that data cannot be analysed along “type of mission” lines.

4. How many regular (not temporary) paid staff positions do you have, including leadership and part-time, if they are regular?

- 0
- 1-4
- 5-19
- 20-99
- 100+

Add skip logic to this question: If they answer “0”, SKIP to PART 3



PART 2: Racial diversity in your organization

5. To the best of your knowledge, what % (approximately) of these regular paid employees identify as Indigenous, Black or as members of racialized communities (often referred to as “BIPOC”)?
 - Write in: a number from 0-100
6. To the best of your knowledge, what % (approximately) of these regular paid employees identify as Indigenous (First Nations, Métis or Inuit People)?
 - Write in: a number from 0-100
7. To the best of your knowledge, what % (approximately) of your leadership team (managers, directors etc) identify as Indigenous, Black or as members of racialized communities?
 - Write in: a number from 0-100
8. To the best of your knowledge, what % (approximately) of your leadership team (managers, directors etc) identify as Indigenous (First Nations, Métis or Inuit People)?
 - Write in: a number from 0-100

PART 3: Capacity in your organization for equity, diversity & inclusion

9. Do you have EDI-informed policies related to hiring and onboarding in your organization?
 - Yes, we actively use such policies
 - No, but we are in the process of developing them
 - Not at this time
10. If capacity were not a factor, on a scale of 1-5, where 1 = low priority and 5 = highest priority, how much of a priority would you place on implementing EDI policies and training in your organization?
 - 1-5 likert scale
11. Would you like to receive this toolkit once it is ready? Note: We will also provide opportunities for people to come together to learn about it and ask questions and connect with other leaders.
 - Yes
 - No
 - Unsure / maybe



12. If yes, please add your contact info, or email us at worktogrow@naturecanada.ca to get on the list.
13. Anything you'd like to add about your answers above, or about barriers you face in implementing EDI or recruiting diversity?

Nature Canada is undertaking legal research and developing a toolkit to help non-profit employers understand and use affirmative action hiring as part of their EDI efforts. It aims to remove knowledge barriers related to compliance, risk, and implementation of such programs, drawing on the experience of Nature Canada's Work to Grow program. Our hope is this will encourage other organizations to proactively diversify their workplaces so that there are abundant, inclusive career pathways for racialized folks in our sector.



APPENDIX B: PROVINCE AND TERRITORY-SPECIFIC CONSIDERATIONS

Although federal legislation exists, most ENGOS are governed by provincial and territorial laws when they implement employment equity programs. This Appendix lists key information that is specific to each province and territory. The Legal Requirements sections outline the laws and regulations you must follow for your special program, where the Human Rights Commission Guidance sections details the steps that they recommend. **Please note that although HRC guidance is not legally binding**, it does reflect their suggested best practices and strategies. The HRC guidance also gives a sense of what information they may ask you to provide if you seek pre-approval, or in the event that a legal challenge or complaint about your special program is brought against your organization.

ALBERTA

Protected Grounds of Discrimination: Race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, and sexual orientation.

Reference: <https://albertahumanrights.ab.ca/media/fghkvj2e/protected-ar-eas-and-grounds.pdf> (pages 1-3)

Legal Requirements

Alberta Human Rights Act, [RSA 2000, c A-25.5](#)

Ameliorative policies, programs and activities

10.1 It is not a contravention of this Act to plan, advertise, adopt or implement a policy, program or activity that

- (a) has as its objective the amelioration of the conditions of disadvantaged persons or classes of disadvantaged persons, including those who are disadvantaged because of their race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation, and
- (b) achieves or is reasonably likely to achieve that objective.

Reasonable and justifiable contravention

11 A contravention of this Act shall be deemed not to have occurred if the person who is alleged to have contravened the Act shows that the alleged contravention was reasonable and justifiable in the circumstances.

Human Rights Commission Guidance ([Alberta HRC](#))

- ✓ It was designed with the objective to improve the conditions of a certain group of persons.
- ✓ The group of people are disadvantaged, including whether they are disadvantaged based on one of the grounds under the Act.
- ✓ It achieves or is reasonably likely to achieve that ameliorative objective.

Employment Equity Resources

- [Protected Areas and Grounds Under the Alberta Human Rights Act](#) (Alberta Human Rights Commission, 2018)
- [Protected Grounds, FAQ, What is An Ameliorative Program?](#) (Alberta Human Rights Commission, 2024)
- [Defences to Human Rights Complaints](#) (Alberta Human Rights Commission, 2021)
- [Duty to Accommodate Human Rights Guide](#) (Alberta Human Rights Commission, 2021)

Alberta Human Rights Commission Contact Information

- Website: <https://albertahumanrights.ab.ca/>
- Confidential Inquiry Line: 780-427-7661
- Communication, Education, and Engagement Team: educationcommunityservices@gov.ab.ca; 403-297-840



BRITISH COLUMBIA

Protected Grounds of Discrimination: Age, family status, marital status, physical disability, mental disability, race, colour, place of origin, ancestry, Indigenous identity, sex, gender identity or expression, sexual orientation, religion, criminal conviction, political belief, and source of income.

Reference: <https://bchumanrights.ca/human-rights/human-rights-in-bc/>

Legal Requirements

Human Rights Code, [RSBC 1996, c 210](#)

Special Programs

42 (1) It is not discrimination or a contravention of this Code to plan, advertise, adopt or implement an employment equity program that

(a) has as its objective the amelioration of conditions of disadvantaged individuals or groups who are disadvantaged because of Indigenous identity, race, colour, ancestry, place of origin, physical or mental disability, sex, sexual orientation, or gender identity or expression, and

(b) achieves or is reasonably likely to achieve that objective.

[...]

(3) On application by any person, with or without notice to any other person, the commissioner may approve any program or activity that has as its objective the amelioration of conditions of disadvantaged individuals or groups.

(4) Any program or activity approved under subsection (3) is not in contravention of this Code.

Human Rights Commission Guidance ([B.C. Human Rights Commission](#))

- ✓ The individuals or groups the program will target; B.C. recognizes the following five disadvantaged groups: Indigenous peoples, racialized individuals, people with disabilities, women, and transgender individuals
- ✓ The proposed eligibility criteria for the program, including how membership in a target group will be assessed (e.g. self-identification).
- ✓ The anticipated timeframe for the program, including the requested duration of special program approval (typically five years with the option to renew).
- ✓ Identify the disadvantage that the special program is intended to address, and how the special program is designed to address this disadvantage.
- ✓ Identify the anticipated benefits of the special program and how you will define program success.
- ✓ Describe how the special program will be monitored on an ongoing basis and which metrics will be used to measure program outputs and outcomes. Metrics should relate to the anticipated benefits and definition of success.

- ✓ Identify any third parties affected by the special program: (i.e.: unions, employee associations, local Indigenous groups, etc.) and obtain a written statement from the third party setting out its position on the special program. If no third parties have been identified, describe how you have consulted with employees or other people who may be affected by the special program.

Employment Equity Resources

- [Employment Equity Toolkit](#) (British Columbia's Office of the Human Rights Commissioner)
- [Special Programs](#) (British Columbia's Office of the Human Rights Commissioner)
- [Special Programs Application Form](#) (British Columbia's Office of the Human Rights Commissioner)
- [Special Programs Renewal Form](#) (British Columbia's Office of the Human Rights Commissioner)
- [Special Programs Approvals Granted List](#) (British Columbia's Office of the Human Rights Commissioner)

British Columbia Office of the Human Rights Commissioner Contact Information

- Website: <https://bchumanrights.ca/>
- General Email Address: info@bchumanrights.ca
- Special Programs Email Address: SpecialPrograms@bchumanrights.ca
- Toll-Free Number: 1-844-922-6472



MANITOBA

Protected Grounds of Discrimination: Ancestry, Nationality or national origin, Ethnic background or origin, Religion or creed, or religious belief, religious association, or religious activity, Age, Sex, including gender-determined characteristics, such as pregnancy, Gender-identity, Sexual orientation, Marital or family status, Source of income, Political belief, political association or political activity, Physical or mental disability, and Social disadvantage. The Code prohibits discrimination that is based on other group stereotypes, rather than on individual merit. In some cases, treating someone differently based on group stereotypes, rather than on individual merit, may also meet the definition of discrimination under The Code.

Reference: https://manitobahumanrights.ca/education/pdf/guidelines/guideline_specialprograms.pdf

Legal Requirements

The Human Rights Code, [CCSM c H175](#)

**PART II
PROHIBITED CONDUCT AND SPECIAL PROGRAMS**

Affirmative action, etc. permitted

11 Notwithstanding any other provision of this Code, it is not discrimination, a contravention of this Code, or an offence under this Code

[...]

(b) to plan, advertise, adopt or implement an affirmative action program or other special program that

- (i) has as its object the amelioration of conditions of disadvantaged individuals or groups, including those who are disadvantaged because of any characteristic referred to in subsection 9(2), and
- (ii) achieves or is reasonably likely to achieve that object.

Human Rights Commission Guidance ([Manitoba HRC](#))

- ✓ The program objective must be the amelioration of conditions of disadvantaged individuals or groups.
- ✓ **Identification of Target Group(s):**
 - Each target group must be clearly defined as a disadvantaged class in the specific context being examined.
 - Target group(s) definitions will specify eligibility criteria for each program (e.g., self-declaration of ethnic origin, documented income verification).



- Include documentation to demonstrate the disadvantaged status of the target group unless the Commission has already determined this through its own research. Explain how proposed measures will alleviate hardship or discrimination and detail any reviews of relevant practices, policies, and consultations with the target group(s).
 - Ensure the program does not unreasonably restrict eligibility, especially in ways that may be deemed discriminatory under The Code, maintaining a clear link between restrictions and the program's purpose.
 - While broad eligibility is preferred, special programs do not need to encompass all disadvantaged groups to avoid discrimination. Programs targeting specific groups to alleviate their disadvantages may restrict eligibility accordingly.
- ✓ **Goals and Timetables:** Affirmative action plans should outline goals and timetables for achieving desired participation and retention rates for target group(s). These goals must be realistic and demonstrate to the Commission that equality of access and participation is the primary objective. Special measures addressing the specific needs of target group(s) should include measurable criteria for evaluating outcomes and, if needs may change over time, a monitoring method to assess those needs.
- ✓ **Implementation:** The special program should demonstrate a well-designed implementation plan which is likely to ensure the effective delivery of the program and the attainment of the stated objectives. The plan must also ensure that the program does not undermine the dignity or status of the target groups. For example, a program which superficially creates employment opportunities but contains certain conditions of employment which offend the dignity of participants would not meet this standard.
- ✓ **Data:** Although as a general rule, questions relating to group characteristics set out in The Code are prohibited, reasonable data collection for the monitoring and evaluation of a special program may be permitted. Such collection must however be done with due regard to the privacy concerns of the affected individuals. Provision of such information should be on a voluntary basis. Data may also be collected if the information is used to demonstrate under-representation of particular groups or other forms of hardship or disadvantage. Data collection of this type can, for example, determine the racial profile of the workforce in order to put into place a program.

Employment Equity Resources

- [Special Programs, Your Rights and Obligations](#)
(Manitoba Human Rights Commission, date unknown)
- [Board of Commissioners Policy, Interpretation, Special Programs](#)
(Manitoba Human Rights Commission, 2003)
- [Board of Commissioners Policy, Interpretation, Systemic Discrimination](#) (Manitoba Human Rights Commission, 2014)

Manitoba Human Rights Commission Contact Information

- Website: <http://www.manitobahumanrights.ca/index.html>
- Email Address: hrc@gov.mb.ca
- Toll-Free Number: 1-888-884-8681
- Winnipeg Office: 204-945-3007
- Brandon Office: 204-726-6261

NEWFOUNDLAND AND LABRADOR

Protected Grounds of Discrimination: Race, colour, nationality, ethnic origin, social origin, religious creed, religion, age, disability/perceived disability, disfigurement, sex (which includes pregnancy), sexual orientation, marital status, family status, gender expression and/or gender identity, source of income, and political opinion.

Reference: <https://thinkhumanrights.ca/resources/legal-guidelines/employers-guide-to-the-human-rights-act/>

Legal Requirements

Human Rights Act, 2010, [SNL 2010, c H-13.1](#)

Special programs

8. (1) On the application of a person, the commission may approve programs designed to prevent, reduce or eliminate disadvantages respecting services, facilities, accommodation or employment that may be or are suffered by a group of individuals where those disadvantages would be, or are based on or related to, a prohibited ground of discrimination of members of that group.

(2) Before or after the commission approves a program, the commission may

- (a) make inquiries concerning the program;
- (b) vary the program;
- (c) impose conditions on the program; or
- (d) withdraw approval of the program

as it thinks appropriate.

(3) Nothing done in accordance with a program approved under this section is a violation of this Act.

Human Rights Commission Guidance ([HRC, Newfoundland and Labrador](#))

- ✓ **Program Objective:** The program must be designed to prevent, reduce, or eliminate disadvantaged conditions of the target group as determined by the information submitted to the Commission. The applicant must clearly set out the goal of the program. Where the purpose of the program is to increase numbers of a designated group, the goal should be expressed in numbers and percentages. Goals and timetables should also be identified. These goals should be based on the extent of the under-representation identified and on the availability of members of the target or protected groups who are qualified or can become qualified.
- ✓ **Definition of the Target Group:** The target group must be clearly defined to ensure there is no ambiguity as to who is eligible for participation in the program. Broad definitions would likely extend the program to unintended groups or could result in restrictions on the rights or opportunities of others. For example, a service targeted to individuals with disabilities could potentially encompass both physical and mental disabilities, while the program may have been originally designed to assist only those with physical disabilities. It could in reality be ineffective in assisting those with mental disabilities if it was not created with that goal in mind. The intended target group must therefore be clearly specified.
- ✓ **Method of Identification:** There must be a suitable method for determining eligibility to participate in the program. Identification may be voluntary i.e. self-declaration on an employment application, or mandatory i.e. presentation of an identification card indicating age etc.
- ✓ **Analysis of the Disadvantaged Status:** In order to determine if the requested program will meet the goals of prevention, reduction or elimination of disadvantages of a target group, data will be required. The Commission will use this data to determine the nature and degree of the disadvantaged status of the target group. Data on socio-economic indicators such as unemployment rates, labour force participation rates, occupational representation, levels of income, education levels and other relevant data which demonstrates the disadvantages of the group, should be provided to the Commission.
- ✓ **Program Content:** There must be a well-designed plan to ensure the program is delivered and that the goal is attained. The program must be implemented in a manner which recognizes and maintains the dignity and self-respect of the participants or target groups. The applicant should provide information regarding how the program will be implemented.
- ✓ **Evaluation Procedures:** Section 8 of the Act specifically authorizes the Commission to make inquiries of the program, vary or impose conditions on the program or withdraw its approval of the program. In order to ensure the objectives



are met, it is important to have criteria which can measure the effectiveness of the program. Program reviews or evaluations should be conducted. The Commission can impose timelines on the operation of the program i.e. for a one year period. The Commission will also often require the applicant to report back to the Commission with respect to the effectiveness of the program and how it impacted the target group.

Employment Equity Resources

- [Guidelines for Special Programs](#) (Human Rights Commission, Newfoundland and Labrador)
- [Employers Guide to the Human Rights Act](#) (Human Rights Commission, Newfoundland and Labrador)
- [Request a Special Program Approval Contact Form](#) (Human Rights Commission, Newfoundland and Labrador)

Human Rights Commission, Newfoundland and Labrador Contact Information

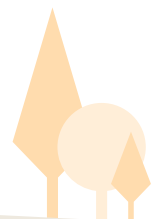
- Website: <https://thinkhumanrights.ca/>
- Email Address: humanrights@gov.nl.ca
- Phone Numbers: 709-729-2709; 1-800-563-5808

NEW BRUNSWICK

Protected Grounds of Discrimination: Race, Colour, National Origin, Ancestry, Place of Origin, Creed of religion, Age, Physical disability, Mental disability, Marital status, Family status, Sex (including pregnancy), Sexual orientation, Gender identity or expression, Social condition (includes your source of income, level of education and type of occupation), and Political belief or activity. The Act has additional protections for sexual harassment and reprisal (i.e. when you are treated negatively because you filed a human rights complaint, or you helped with an existing complaint).

Reference: <https://www2.gnb.ca/content/gnb/en/departments/nbhrc/human-rights-act/human-rights-in-new-brunswick--plain-language-.html>

Reference: <https://www2.gnb.ca/content/dam/gnb/Departments/hrc-cdp/PDF/SpecialPrograms-Guidelines.pdf?random=1710872956145>



Legal Requirements

Human Rights Act, [RSNB 2011, c 171](#)

Commission may approve programs

14(1) On the application of any person, or on its own initiative, the Commission may approve a program to be undertaken by any person designed to promote the welfare of any class of persons.

14(2) At any time before or after approving a program, the Commission may do any of the following as the Commission thinks fit:

- (a) make inquiries concerning the program;
- (b) vary the program;
- (c) impose conditions on the program; or
- (d) withdraw approval of the program.

14(3) Anything done in accordance with a program approved under this section is not a violation of the provisions of this Act.

Human Rights Commission Guidance ([New Brunswick HRC](#))

- ✓ **Consultation and Supporting Data:** A special program should be developed through consultation, and by identifying a rationale, supporting data, eligibility criteria, and an evaluation method. When all these factors have been considered in setting up a program, the likelihood of legal challenges by persons outside the designated groups would be minimal.
- ✓ **Timeframes and Projections:** The projected goals, timeframes, and objectives of a special program must be clearly established in measurable criteria.
- ✓ **Evidence of Amelioration and Program Evaluations:** A special program must document with clear evidence (numbers and statistics) the gains achieved by the program, to indicate the extent it has ameliorated the disadvantage of its target groups.
- ✓ **Target Groups:** A special program should clearly define the target group that it intends to benefit, so that eligibility for participation in the program is unambiguous. If the definition of the target group is too broad, it may be misconstrued that the program's benefits extend to groups that are not intended as program beneficiaries.
- ✓ **Pursuit of Substantive Equality:** Special programs must be designed to advance the core values of equality, non-discrimination, and inclusion; they should create conditions of equality within the sphere of their mandate, by eliminating the barriers to equality faced by the target groups identified as the program's beneficiaries.
- ✓ **Evidence of Disadvantage:** Special programs must respond to a real disadvantage being experienced by the beneficiary group; the scope of the disadvantage must be backed by statistical data. Through data analysis, implementers of the special program must be able to show the equality gap the program would bridge.

- ✓ **Assessment of Organizational Policies:** To assess if a special program is required within an organization, employers should thoroughly review their policies to identify any employment-related barriers faced by historically disadvantaged groups.

Employment Equity Resources

- [Special Programs and the Meaning of Equality and Discrimination](#) (New Brunswick Human Rights Commission, 2020)
- [Human Rights in New Brunswick, Plain Language](#) (New Brunswick Human Rights Commission)
- [The New Brunswick Human Rights Act Explained](#) (New Brunswick Human Rights Commission)

New Brunswick Human Rights Commission Contact Information

- Website:
<https://www2.gnb.ca/content/gnb/en/departments/nbhrc.html>
- Email Address: hrc.cdp@gnb.ca
- Phone: 1-888-471-2233; (506) 453-2301



NORTHWEST TERRITORIES

Protected Grounds of Discrimination: Race, Colour, Ancestry, Place of origin, Ethnic origin, and Nationality, Religion or Creed, Age, Disability, Sex (including pregnancy), Sexual orientation, Gender identity, Gender expression, Marital status, Family status, Family affiliation, Political belief, Political association, Social condition, Pardoned criminal conviction or Record suspension.

Legal Requirements

Human Rights Act, [SNWT 2002, c 18](#)

PART 6

Affirmative Action Programs

67. (1) Nothing in this Act precludes any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups, including those who are disadvantaged because of any characteristic referred to in subsection 5(1).

Previously approved programs

(2) Any program designed to promote the welfare of any class of individuals that was approved under section 9 of the Fair Practices Act, R.S.N.W.T. 1988, c.F-2, is deemed, for the purposes of subsection (1), to be a program that has as its object the amelioration of conditions of disadvantaged individuals or groups

Human Rights Commission Guidance and Employment Equity Resources ([Northwest Territories HRC](#))

None available.

Northwest Territories Human Rights Commission Contact Information

- Website: <https://nwthumanrights.ca/>
- Email Address: info@nwthumanrights.ca
- Phone: 1-888-669-5575; 867-669-5575

NOVA SCOTIA

Protected Grounds of Discrimination: Age, Race, Colour, Religion, Creed, Ethnic, national or aboriginal origin, Sex (including pregnancy and pay equity), Sexual orientation, Physical disability, Mental disability, Family status, Marital status, Source of income, Harassment (and sexual harassment), Irrational fear of contracting an illness or disease, Association with protected groups or individuals, Political belief, affiliation or activity, Gender Identity, Gender Expression, Retaliation.

Reference: <https://humanrights.novascotia.ca/know-your-rights/individuals>

Legal Requirements

Human Rights Act, [RSNS 1989, c 214](#)

PART I DISCRIMINATION PROHIBITED

Exceptions

6 Subsection (1) of Section 5 does not apply

[...]

(i) to preclude a law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or classes of individuals including those who are disadvantaged because of a characteristic referred to in clauses (h) to (v) of subsection (1) of Section 5.

Exemption by Commission

9 Notwithstanding anything in this Act, the Commission may exempt a program or activity from subsection (1) of Section 5, or a part thereof, where, in the opinion of the Commission, there is a bona fide reason to do so.

PART II HUMAN RIGHTS COMMISSION

Approval of program

25 The Commission may approve programs of Government, private organizations or persons designed to promote the welfare of any class of individuals, and any approved program is deemed not to be a violation of the prohibitions of this Act.

Race Relations, Equity and Inclusion

26A (1) There is hereby established a division within the Commission to be known as Race Relations, Equity and Inclusion under the direction of the Manager of Race Relations, Equity and Inclusion.

(2) Race Relations, Equity and Inclusion

(a) shall develop and recommend programs and policies to promote racial harmony and to eliminate barriers to the full participation of members of racial minorities in society;

(b) shall assist Government, departments and agencies of Government, non-Government organizations and the private sector to develop policies on race relations;

(c) shall monitor implementation of policies on race relations adopted by Government or a department of Government, including the implementation of affirmative action and settlement agreements; and

(d) may, on application by any person, give such advice and assistance with respect to the adoption or carrying out of a program, plan or arrangement as will foster good relations between races and cultures.

Human Rights Commission Guidance (Nova Scotia Human Rights Commission)

Although there are no resources available on their website, Nova Scotia is the only jurisdiction in Canada that has established a Race Relations, Equity, and Inclusion (RREI) unit within their HRC. These staff provide expert advice and support to government, community organizations and businesses across Nova Scotia to address and prevent systemic discrimination and work towards creating a more inclusive society. The mandate of the Commission is supported through the work of the Mi'kmaq/ Indigenous Liaison and Education Officer and the African Nova Scotian Liaison and Education Officer. Find more information [here](#).

Employment Equity Resources

None available.

Nova Scotia Human Rights Commission Contact Information and Resources

- Website: <https://humanrights.novascotia.ca/>
- Email Address: hrcinquiries@novascotia.ca
- Phone: Toll-Free (1-877-269-7699); Digby Office (902-245-4791)
- [Serving All Customers Better](#): A free online course for frontline service staff to address and prevent consumer racial profiling
- [External Human Rights Trainers](#)

NUNAVUT

Protected Grounds of Discrimination: Race, Colour, Ancestry, Ethnic origin, Citizenship, Place of origin, Creed, Religion, Age, Disability, Sex, Sexual orientation, Marital status, Family status, Pregnancy, Lawful source of income, Pardoned conviction.

Reference: https://nhrt.ca/wp-content/uploads/2020/02/EN_GUIDE_what_is_the_human_rights_act.pdf

Legal Requirements

Human Rights Act, [CSNu, c H-70](#)

Affirmative action programs

7 (2) Nothing in this Act precludes any law, program or activity that has as its objective the amelioration of conditions of disadvantaged individuals or groups, including those who are disadvantaged because of any characteristic referred to in subsection (1), and that achieves or is likely to achieve that objective.

Previously approved programs

(3) Any program designed to promote the welfare of any class of individuals that was approved under section 9 of the Fair Practices Act, R.S.N.W.T. 1988, c.F-2, is deemed, for the purposes of subsection (1), to be a program that has as its objective the amelioration of conditions of disadvantaged individuals or groups and that achieves or is likely to achieve that objective.

Human Rights Commission Guidance ([Nunavut Human Rights Tribunal](#))

None available.

Employment Equity Resources ([Nunavut Human Rights Tribunal](#))

None available.

Nunavut Human Rights Tribunal Contact Information

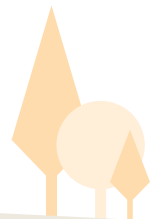
- Website: <https://nhrt.ca/>
- Email Address: nunavuthumanrights@gov.nu.ca
- Phone: 1-866-413-6478



ONTARIO

Protected Grounds of Discrimination: Race, colour or ethnic background, Religious beliefs or practices, Ancestry, Place of origin, Citizenship, Sex (including pregnancy), Gender identity, Gender expression, Family status, Marital status, including those with a same-sex partner, Disability, Sexual orientation, Age, Receipt of public assistance (in housing), Record of offences (in employment).

Reference: https://www3.ohrc.on.ca/sites/default/files/Your%20guide%20to%20Special%20programs%20and%20the%20Human%20Rights%20Code_2013.pdf



Legal Requirements

Human Rights Act, [RSO 1990, c H.19](#)

PART II INTERPRETATION AND APPLICATION

Special programs

14 (1) A right under Part I is not infringed by the implementation of a special program designed to relieve hardship or economic disadvantage or to assist disadvantaged persons or groups to achieve or attempt to achieve equal opportunity or that is likely to contribute to the elimination of the infringement of rights under Part I.

Application to Commission

(2) A person may apply to the Commission for a designation of a program as a special program for the purposes of subsection (1).

n.b. must be renewed every five years (section 50 of the HR Code)

Designation by Commission

(3) Upon receipt of an application, the Commission may,

- (a) designate the program as a special program if, in its opinion, the program meets the requirements of subsection (1); or
- (b) designate the program as a special program on the condition that the program make such modifications as are specified in the designation in order to meet the requirements of subsection (1).

Inquiries initiated by Commission

(4) The Commission may, on its own initiative, inquire into one or more programs to determine whether the programs are special programs for the purposes of subsection (1).

End of inquiry

(5) At the conclusion of an inquiry under subsection (4), the Commission may designate as a special program any of the programs under inquiry if, in its opinion, the programs meet the requirements of subsection (1).

Expiry of designation

(6) A designation under subsection (3) or (5) expires five years after the day it is issued or at such earlier time as may be specified by the Commission.

Renewal of designation

(7) If an application for renewal of a designation of a program as a special program is made to the Commission before its expiry under subsection (6), the Commission may,

- (a) renew the designation if, in its opinion, the program continues to meet the requirements of subsection (1); or
- (b) renew the designation on the condition that the program make such modifications as are specified in the designation in order to meet the requirements of subsection (1).

Effect of designation, etc.

(8) In a proceeding,

- (a) evidence that a program has been designated as a special program under this section is proof, in the absence of evidence to the contrary, that the program is a special program for the purposes of subsection (1); and
- (b) evidence that the Commission has considered and refused to designate a program as a special program under this section is proof, in the absence of evidence to the contrary, that the program is not a special program for the purposes of subsection (1).

Tribunal finding

(10) For the purposes of a proceeding before the Tribunal, the Tribunal may make a finding that a program meets the requirements of a special program under subsection (1), even though the program has not been designated as a special program by the Commission under this section, subject to clause (8) (b).

Human Rights Commission Guidance ([Ontario HRC](#))

- ✓ **Program Rationale**
- ✓ **Data Collection**
- ✓ **Eligibility Requirements**
- ✓ **Evaluating the Program**
- ✓ **Planning and Consultation**

Please see the previous 3-step process for more details, which is based on the guidance from the Ontario human Rights Commission.

Employment Equity Resources

- [Your Guide to Special Programs and the Human Rights Code](#) (Ontario Human Rights Commission, 2013)
- [Special Programs](#) (Ontario Human Rights Commission)
- [Count Me In! Collecting Human Rights-Based Data](#) (Ontario Human Rights Commission, 2010)
- Highly Recommended: [Human Rights-Based Approach to Policy and Program Development](#) (Ontario HRC)

Ontario Human Rights Commission Contact Information

- Website: <https://www.ohrc.on.ca/en>
- Email Address: info@ohrc.on.ca
- Phone: 1-800-387-9080; (416) 326-9511



PRINCE EDWARD ISLAND

Protected Grounds of Discrimination: Race or Colour, Ethnic or National Origin, Sex or Gender Identity (Including Pregnancy and Sexual Harassment), Creed or Religion, Criminal Conviction, Family or Marital Status, Physical or Intellectual Disability (Including Addiction and Drug and Alcohol Testing), Political Belief, Sexual Orientation, Source of Income.

Reference: <https://www.gov.pe.ca/photos/sites/humanrights/file/Workplace%20Rights-english-web.pdf>

Legal Requirements

Human Rights Act, [RSPEI 1988, c H-12](#)

PART II — HUMAN RIGHTS COMMISSION

20. Approved programs

The Commission may approve programs of government, private organizations or persons designed to promote the welfare of any class of individuals, and any approved program shall be deemed not to be a violation of the prohibitions of this Act.

Human Rights Commission Guidance ([Prince Edward Island HRC](#))

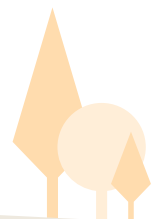
None available.

Employment Equity Resources ([Prince Edward Island HRC](#))

None available.

Prince Edward Island Human Rights Commission Contact Information

- Website: <https://www.peihumanrights.ca/>
- Email Address: contact@peihumanrights.ca
- Phone: 902-368-4180



QUEBEC

Protected Grounds of Discrimination: Race, Colour, Sex, Gender identity or gender expression, Pregnancy, Sexual orientation, Civil status, Age, Religion, Political convictions, Language, Ethnic or national origin, Social condition, and Disability.

Legal Requirements (Charter of Human Rights and Freedoms and Regulation respecting Affirmative Action Programs)

Charter of Human Rights and Freedoms, [CQLR c C-12](#) (retrieved on 2024-03-25)

PART III AFFIRMATIVE ACTION PROGRAMS

86. The object of an affirmative action program is to remedy the situation of persons belonging to groups discriminated against in employment, or in the sector of education or of health services and other services generally available to the public.

An affirmative action program is deemed non-discriminatory if it is established in conformity with the Charter.

An equal access employment program is deemed not to discriminate on the basis of race, colour, gender or ethnic origin if it is established in accordance with the Act respecting equal access to employment in public bodies (chapter A-2.01).

87. [not in force] Every affirmative action program must be approved by the Commission, unless it is imposed by order of a tribunal.

The Commission shall, on request, lend assistance for the devising of an affirmative action program.

88. If, after investigation, the Commission confirms the existence of a situation involving discrimination referred to in section 86, it may propose the implementation of an affirmative action program within such time as it may fix.

Where its proposal has not been followed, the Commission may apply to a tribunal and, on proof of the existence of a situation contemplated in section 86, obtain, within the time fixed by the tribunal, an order to devise and implement a program. The program thus devised is filed with the tribunal which may, in accordance with the Charter, make the modifications it considers appropriate.

89. The Commission shall supervise the administration of the affirmative action programs. It may make investigations and require reports.

91. A program contemplated in section 88 may be modified, postponed or cancelled if new facts warrant it.

[...]

HRC Guidance (Voluntary Programs)

Reminder: Designing a PAEE (Equal Employment Opportunity Program) is voluntary for ENGOs in Quebec. The only organizations in Quebec that are required to design PAEEs are public bodies in certain sectors (that do not include ENGOs) with 100 or more employees. Companies with more than 100 employees must implement a contractual obligation program if they are bidding for a contract for goods or services valued at \$100,000 or more OR obtain a grant of \$100,000 or more. (Ref: <https://www.cdpedj.qc.ca/fr/nos-services/activites-et-services/en-savoir-plus-sur-les-programmes-dacces-legalite-en-emploi>)

✓ **Program Objectives**

- Ensure fair representation of people from groups that experience discrimination in all types of employment in an organization or business
- Identify and correct human resources management rules and practices that could potentially exclude or disadvantage people from groups that are victims of discrimination

✓ **Equal Access Program Content:** An equal access to employment program mainly includes the following elements:

- the quantitative objectives pursued;
- temporary relief measures specific to members of the targeted groups;
- equal opportunities measures applying to all staff;
- a timetable for implementing the proposed measures and achieving the objectives pursued.

✓ **Employer's Obligations:** Under the various programs, the employer must:

- analyze its workforce to determine the number of people in each of the target groups for each type of job;
- develop a program;
- implement a program and take reasonable measures to achieve the quantitative objectives pursued according to the planned schedule;
- report to the Commission on the implementation of the programme, stating the measures taken and the results obtained;
- ensure that equality is maintained after the program objectives have been achieved.

✓ **The role of the Commission**

- support public bodies and private companies that develop and implement a PAÉE;
- check the elements making up a program;
- provide awareness-raising activities and training to correct and prevent systemic discrimination in employment.



Employment Equity Resources

- [Equal Access to Employment Programs](#) (full version only in French)
- [Act respecting equal access to employment in public bodies](#)
- [Implementing an Equal Employment Opportunity Program \(Training\)](#) (Available in French only)
- [Racism from a Human Rights Perspective \(Training\)](#)
- [Recruit Without Discrimination \(Training\)](#)
- [Human Rights Trainings](#) (full list)
- [What is a Self-Identification Questionnaire?](#) (Video in French only)
- [Understanding Self-Identification with Target Groups](#) (Available in French only)
- [Self-Identification Questionnaire Model](#) (Available in French only)

Commission Des Droits de la Personne et des Droits de la Jeunesse Quebec Contact Information

- Website: <https://www.cdpdj.qc.ca/fr>
- Email Address: information@cdpdj.qc.ca
- Phone: 1- 800-361-6477

SASKATCHEWAN

Protected Grounds of Discrimination: Religion, Creed, Marital Status, Family Status, Sex, Sexual Orientation, Disability Age (18 or more), Colour, Ancestry, Nationality, Place of Origin, Race or Perceived Race, Receipt of Public Assistance, and Gender Identity.

Reference: <https://saskatchewanhumanrights.ca/your-rights/how-are-you-protected/>

Legal Requirements ([Saskatchewan Human Rights Code](#) and [Saskatchewan Human Rights Regulations](#))



The Saskatchewan Human Rights Code, [2018, SS 2018, c S-24.2](#)

Programs, approved or ordered by commission

55(1) On the application of any person or on its own initiative, the commission may approve or order any program to be undertaken by any person if the program is designed to prevent disadvantages that are likely to be suffered by, or to eliminate or reduce disadvantages that are suffered by, any group of individuals when those disadvantages would be or are based on or related to the race, creed, religion, colour, sex, gender identity, sexual orientation, family status, marital status, disability, age, nationality, ancestry or place of origin of members of that group, or the receipt of public assistance by members of that group, by improving opportunities respecting services, facilities, accommodation, employment or education in relation to that group or the receipt of public assistance by members of that group.

(2) At any time before or after the commission approves a program, or a program is ordered by the commission or the court, the commission may:

- (a) make inquiries concerning the program;
- (b) vary the program;
- (c) impose conditions on the program; or
- (d) withdraw approval of the program as the commission thinks fit.

(3) Nothing done in accordance with a program approved pursuant to this section is a violation of the provisions of this Act.

Reasonable and justifiable measures

56(1) Subject to subsection (2), it is not a contravention of this Act for a person to adopt or implement a reasonable and justifiable measure:

- (a) that is designed to prevent disadvantages that are likely to be suffered by, or to eliminate or reduce disadvantages that are suffered by, any group of individuals if those disadvantages would be or are based on or related to one or more prohibited grounds; and
- (b) that achieves or is reasonably likely to achieve that objective.

(2) If a program has been approved or ordered pursuant to section 55, a measure mentioned in subsection (1) must comply with the terms and conditions of that program.

Human Rights Commission Guidance (Saskatchewan HRC)

As previously noted, Saskatchewan has defined the four equity-deserving groups as: Persons reporting an Indigenous identity; Members of a visible minority group; Individuals reporting a disability; and Women in underrepresented occupations.

Also as noted previously, Saskatchewan has gone the extra mile and used provincial and national data to set hiring targets for the four identified equity groups.

Developing an Equity Plan

The SHRC's equity program is voluntary, flexible, and encourages innovation from Equity Partners. There is no set template for employment equity plans; however, employers can refer to the [Sample Employment Equity Plan](#) for guidance.



Other helpful resources at this stage include:

- [Guidelines and Application of Policy on Equity Programs](#)
- [Sample Equity Partnership Agreement](#)
- [Tracking Progress](#)
- [Current Equity Partners](#)

Applying to Become An Equity Partner

Step 1 – Application

Send an email to shrc@gov.sk.ca, addressed to an Equity Advisor for guidance.

Step 2 – Review the Commission’s Equity Policy

Review the Commission’s [Policy on Equity Programs](#) and the [Guidelines and Application of Policy on Equity Programs](#)

Step 3 – Propose Equity Plan and EPA

Submit your proposed Employment Equity Plan, which should include:

- Formal statements, responsibility designations, communication strategy
- Workforce survey results, goals, timelines, accountability measures
- Recruitment and employment systems analysis, diversity support measures, workforce environment improvements
- Monitoring and evaluation methods
- Reporting details

Click [here](#) to see a sample Employment Equity Plan.

Attach a request to enter an [Equity Partnership Agreement](#) (EPA) with management and union statements of commitment.

Step 4 – Commission Review

The Commission will review your application, taking approximately two to three weeks. Upon compliance confirmation, an official EPA will be sent.



Step 5 – Sign EPA

Sign and return the EPA and company logo to the Commission. Upon approval, the organization's equity plan is officially recognized. Employment Equity Partnership approval is renewable annually as long as all Commission [reporting requirements](#) are met.

Annual Reporting Process

Employers are encouraged to submit official EDI reports, which may exceed Employment Equity program requirements. Annual reports should include:

- A summary of significant actions, challenges, and proposed improvements
- Recruitment and retention strategies, training programs, and outcomes
- Retention rate of equity group members
- Best practices implemented

Statistical Summary:

Two statistical tables are required, the **Workforce Table** and **Management Table**, provided in two formats:

- Workforce Table ([PDF](#)) ([Word](#))
- Management Table ([PDF](#)) ([Word](#))

For full information on how to prepare and when to submit the above two tables, please consult [this link](#) and view the Annual Reporting Process section.

Other helpful resources at this stage include:

- [Reporting Template](#)
- Reporting Statistical Table ([Sample](#))
- Workforce Statistical Table ([Sample](#))
- Reporting Statistical Table ([PDF](#)) ([Word](#))
- Workforce Statistical Table ([PDF](#)) ([Word](#))
- [Employment Equity Best Practices](#)



Employment Equity Resources (Saskatchewan HRC)

- [SHRC Policy on Equity Programs](#)
- [Employment Equity Best Practices](#)
- [Employment Equity Program Policy](#)
- [Sample Employment Equity Plan](#)
- [Guidelines and Application of Policy on Equity Programs](#)
- [Ongoing Plan Development](#)
- [Courageous Conversations](#)

Saskatchewan Human Rights Commission Contact Information

- Website: <https://saskatchewanhumanrights.ca/>
- Email Address: shrc@gov.sk.ca
- Phone: Toll free: 1-800-667-9249;(306) 933-5952

NB: It should be noted that Saskatchewan stands out as one of the few provinces who provide fulsome information about equity to employers online, over the phone, and via courses and public conversations.

“The Commission urges you to review the targets, take stock of your employee team, and tell us where you are doing well, why you are succeeding, and where you need help. Any tips you would like to share that you have learned in the creation of an inclusive and diverse workforce are welcome. Likewise, any questions you have that will help improve and strengthen your work team are encouraged.

The Commission has a dedicated Business Help Line that is confidential and available free of charge. It can be reached by calling (306) 933-5952. Our trained staff answer hundreds of calls per year from employers looking for guidance.”



YUKON

Protected Grounds of Discrimination: Ancestry, including colour or race, National origin, Ethnic or linguistic background or origin, Religion or Creed, or religious belief, religious association, or religious activity, Age, Sex, including pregnancy, and pregnancy related conditions, Gender identity or gender expression, Sexual orientation, Physical or mental disability, Criminal charges or criminal record, Political belief, political association, or political activity, Marital or family status, Source of income, Actual or presumed association with other individuals or groups whose identity or membership is determined by any of the above.

Reference: <https://yukonhumanrights.ca/what-is-discrimination/>

Legal Requirements

Human Rights Act, [RSY 2002, c 116](#)

13 Special programs and affirmative action

(1) Special programs and affirmative action programs are not discrimination.

(2) Special programs are programs designed to prevent disadvantages that are likely to be suffered by any group identified by reference to a prohibited ground of discrimination.

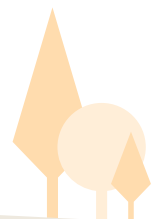
(3) Affirmative action programs are programs designed to reduce disadvantages resulting from discrimination suffered by a group identified by reference to a prohibited ground of discrimination.

Human Rights Commission Guidance and Employment Equity Resources (Yukon HRC)

None available.

Yukon Human Rights Commission Contact Information

- Website: <https://yukonhumanrights.ca/>
- Email Address: info@yukonhumanrights.ca
- Phone: Toll Free: 1-800-661-0535; 867-667-6226



APPENDIX C: ADDITIONAL DATA RESOURCES

Although it is not within the scope of this toolkit to provide an in-depth exploration of data collection and analysis best practices, the Ontario Human Rights Commission has produced an excellent document on human rights-related data that is generally appropriate for use across Canada. Please see their [Count Me In! Collecting Human Rights-Based Data](#) for a full set of steps and considerations.

The Saskatchewan Human Rights Commission has taken the extra step of providing employment equity targets for the four designated equity groups which reflect the ideal workforce representation of visible minorities, Indigenous persons, people with disabilities, and women in underrepresented occupations. Based on national 2021 census data (with support from the Saskatchewan Bureau of Statistics), these metrics are a benchmark for employers to evaluate their efforts to recruit and retain employees in the four equity groups.

“ It is not sufficient to meet equity targets through the employment of equity group members in entry level positions only. Over time, the recruitment, retention, and promotion of employees within an organization should reflect the true picture of diversity in our society.”

- [SHRC](#)

Equity targets in Saskatchewan also recognize that they need to vary by location. For example, there are more people who are visible minorities in Regina and Saskatoon than other parts of the province, so the targets for visible minorities are higher in these two cities. Similarly, the targets for the Indigenous population is higher in the Prince Albert Census Agglomeration (CA) where there is a proportionally larger Indigenous population.



For more information on how Saskatchewan has set their targets for the four identified equity groups using external data, please consult [this link](#) and view the Employment Equity Targets section.

Employment Equity Target Summary

The Commission recommends organizations use the figures in Table 5 when planning for a representative workforce.

Table 5 – Recommended Targets, 2024

Equity Group	Target
Indigenous Peoples	
Provincial	15.2%
Prince Albert CA	38.5%
Members of a Visible Minority Group	
Provincial	14.0%
Regina/Saskatoon	21.5%
Persons with Disabilities	
Women in Underrepresented Occupations	47.5%

Image Source: [Employment Equity Target Summary, Saskatchewan Human Rights Commission](#)





McConnell



**TD READY
COMMITMENT**

