



Canadian
human rights
commission

Commission
canadienne des
droits de la personne

CHRC Submission to the Standing Senate Committee on Human Rights (RIDR) for their study on Employment Equity in the Federal Public Service (Feb 2026)

© His Majesty the King in Right of Canada,
as represented by the Canadian Human Rights Commission, 2026.

Cat. No.: HR4-145/2026E-PDF

ISBN: 978-1-100-00210-1

Table of Contents

Introduction	1
Summary of the position of the CHRC	1
CHRC's roles in relation to the EEA	1
Types of CHRC Audits	3
Recent horizontal audit on racialized persons in management across the federal public service	4
Other roles of the CHRC related to EE: Advocate and Employer	6
In its current form, the EEA is antiquated and does not go far enough.	7
CHRC input into EEA Review Task Force.....	8
Disaggregating the designated groups of persons with disabilities and racialized people	8
Adding Black people as a designated group	8
Moving to a distinctions-based approach to Indigenous Peoples	8
Improvements to data collection for 2SLGBTQI+ employees	9
Support for other proposed changes from stakeholders and advocates, including around the inclusion of religious minorities in the EEA.	9
Proposed appointment of an Employment Equity Commissioner	9
EEA Review Task Force Report	10
Amidst workforce adjustment EE obligations remain.....	11
Conclusion.....	11
Annex A – Background on the Canadian Human Rights Commission	12

Introduction

The Canadian Human Rights Commission (CHRC) is providing this submission at the request of the Standing Senate Committee on Human Rights as they consider their study on Employment Equity in the Public Service. CHRC is committed to working with the Government of Canada to ensure continued progress in the protection of human rights, including Canada's implementation of the rights and obligations enshrined in the Employment Equity Act (EEA).

Summary of the position of the CHRC

The Canadian Human Rights Commission takes the following positions regarding Employment Equity in the Federal Public Service:

- The Employment Equity Act is an important part of Canada's human rights framework, as a key mechanism to build a representative federal workforce that eliminates systemic barriers and ensure an equitable representation of historically disadvantaged groups.
- However, in its current form, the EEA is antiquated and does not go far enough.
- Comprehensive reform and modernization of the EEA is overdue.
- EEA reform will support strengthened accountability and greater public trust.
- A modernized EEA will more effectively address historical harms and persistent, systemic inequities.
- EEA obligations remain, even during a workforce adjustment period. The process of workforce adjustment should not create or exacerbate EE gaps
- The views of rights-holders are critically important and will continue to inform the work of the CHRC.

CHRC's roles in relation to the EEA

When people in Canada can see themselves in the institutions where they work, live, and receive services, it promotes greater public trust and a thriving society. The Employment Equity Act, along with the newer Pay Equity Act and the Accessible Canada Act, are proactive and integral parts of Canada's human rights regulatory framework, and contribute to the building of an inclusive and prosperous Canada.

Realizing employment equity requires many agencies and organizations to share responsibility for the implementation of the EEA. Employment and Social Development Canada (ESDC) is responsible for administering the EEA, providing compliance guidance to employers and promoting understanding to ensure they can meet their legislative obligations. The Public Service Commission is responsible for developing public sector employment policies in areas of staffing and recruitment. The Treasury Board of Canada Secretariat is responsible for reporting on employment equity in the public sector.

Under the EEA, the CHRC has a distinct legislated role, which is to enforce the obligations of federally regulated employers to implement employment equity within their workplace. This role includes assessing compliance with the EEA by conducting employment equity audits of federally regulated employers with 100 or more employees in the private and public sectors, and Crown corporations.

During these audits, the CHRC assesses and verifies that employers are in compliance with their EEA legislative requirements, and that they have the necessary measures in place to address any barriers of employment for designated group members. During audits, the CHRC assesses employment equity data, reviews program implementation, considers employer challenges, and outlines expectations to support compliance and employment equity progress. For each audit, the CHRC issues a confidential individual report to the employer, conveying its audit findings. Where areas of non-compliance with the EEA are identified, the report includes a management action plan (MAP) with undertakings for the employer to implement. The CHRC can also issue directions to an employer and may refer a non-compliant organization to the Canadian Human Rights Tribunal which can result in a Court order that will confirm the direction.

As part of its role in conducting compliance audits, the CHCR works with the Labour Program within ESDC, both to inform it about CHRC audits, and to ensure that employers follow the guidance that the Commission provides. Since the EEA Modernization Task Force report, the CHRC has maintained closer communications with ESDC on the status of audits and the measures to improve audit compliance.

The CHRC continuously audits specific departments and agencies in the public sector. In 2020, the Commission initiated a new sector-wide horizontal audit of the federal public sector (described in more detail below) and the Commission will continue to use audit tools to monitor the representation of designated groups within the federal public sector.

Types of CHRC Audits

Currently, the CHRC conducts three types of audits: conventional or “employer-specific” (since 1996); horizontal or “issue-based” (since 2018); and “requirement-based” (since 2021). Audit reports issued to employers are not made public; they are individual and confidential.

Conventional audits examine one specific employer at a time. They are focused on that employer’s employment equity results and program with respect to the four designated groups and examine each of the legislative requirements of the EEA.¹

Horizontal audits are issue-based audits focused on systemic issues faced by one of the designated groups across an entire sector, such as the audit on the employment of Indigenous people in the banking and financial sector. This approach allows the CHRC to strategically look at concerns in one sector and to concentrate its resources on longstanding and entrenched representation gaps. Overall findings from horizontal audits, as well as common barriers and promising practices in that sector, are made public on the CHRC’s website. These reports may extend beyond federally regulated entities, to raise understanding of sector or societal systemic issues, and to maximize their reach and systemic impact.

“Requirement-based” audits assess compliance with two or more specific requirements of the EEA. An example is the follow-up audit that the CHRC plans to conduct in 2028, to monitor the representation of racialized people in the public service and assess progress. This audit will serve as a spot check on the federal public sector and will focus on two specific EEA requirements: the Employment Systems Review and Employment Equity Plans.

Since the start of the Employment Equity Audit Program in 1996, the CHRC has conducted 1,074 compliance audits across all federally regulated organizations, including 230 in the federal public service. Across both the broader federally regulated sector and within the public service, audits typically show improvement in compliance status from the start to the end of the audit cycle.

¹ The nine legislative requirements for employers under the EEA (ss. 9 to 18) and EE Regulations (ss. 3 to 12) are to: collect workforce information; conduct a workforce analysis (WFA); conduct an employment systems review (ESR); consult and collaborate with employees’ representatives on EE; develop an EE Plan; implement a monitoring framework to review the EE Plan; conduct periodic reviews and revisions of the EE Plan; provide information on EE to employees; and maintain their EE records.

Recent horizontal audit on racialized persons in management across the federal public service

In 2025 the CHRC published the findings of a two-phased, sector-wide horizontal audit examining barriers faced by racialized employees, including Black employees, in management and executive positions across the federal public service.² Phase 1 consisted of a public service wide survey, while Phase 2 involved in-depth audits of 18 departments and agencies. The horizontal audit was directly aligned with the 2021 Clerk of the Privy Council's Call to Action on Anti-Racism, Equity and Inclusion in the Federal Public Service³ and was designed to assess the effectiveness of EE programs and the extent to which concrete measures were being implemented to improve the representation of racialized people in management and executive positions.

At an aggregate level, findings from the horizontal audit revealed that the representation of racialized people in executive positions in the federal public service was broadly in line with their workforce availability. However, the data did not include the representation of racialized people in all management positions, nor did it account for disparities within racialized groups due, in part, to the absence of disaggregated data.

The horizontal audit, however, identified the most common employment barriers affecting racialized employees were related to:

- **Recruitment strategies** (i.e., advertising methods that fail to attract or reflect a diverse workforce)
- **Selection processes** (i.e., barriers arising from official language requirements and insufficient diversity among assessment and selection committee members)
- **Hiring decisions** (i.e., unconscious bias favouring candidates who share ethnic similarities to hiring managers)
- **Career development** (i.e., racialized employees lacking the same opportunities for promotion in comparison to other employees), and
- **Workplace culture** (i.e., the persistence of micro-aggressions, discrimination or harassment faced by racialized employees).

² CHRC. (2025). [Horizontal audit in the public service: the employment of racialized people in management and executive positions - sector-wide report](#).

³ Clerk of the Privy Council. (2021). [Call to Action on Anti-Racism, Equity, and Inclusion in the Federal Public Service](#).

At the employer level, the horizontal audit revealed a significant gap between stated commitments and concrete action. Overall, the horizontal audit findings reinforced longstanding concerns raised by rights-holders, advocates, and civil society organizations, including groups who have appeared before this Committee. Although measurable progress has been achieved since the enactment of the EEA, systemic barriers continue to obstruct equitable access to leadership roles for racialized people across the federal public service. The audit underscored, amongst other things, the need for:

- Stronger, data driven EE programs
- Targeted barrier removal strategies, and
- Robust accountability mechanisms to ensure sustained progress.

The EEA does not require the collection of disaggregated data for different racialized groups, and as a result, such data was not collected for the horizontal audit, making it impossible to assess whether different racialized groups experienced distinct barriers. The CHRC acknowledges that its ability to advance employment equity is constrained by the current legislative framework of the EEA. While the CHRC encourages organizations to pursue diverse representation within racialized sub-groups, it does not presently have the legislated mandate or authority to require or enforce this approach.

The CHRC recognizes that disaggregated data can sometimes be discovered or presented through other means. For example, in other legislation or regulation, or as part of grievances, complaints, research, or reports that are researched or published outside of the EEA regime, including reports of Parliamentary Committees. For example, progress can be seen in the Public Service Employment Act which was amended in 2021 to allow employers to collect and analyze more detailed disaggregated data, in order to evaluate biases and barriers in hiring. This, in turn, may allow some disaggregated data to be requested and analyzed in future CHRC audits within the federal public sector only. In these ways, the CHRC can be innovative and proactive using data available from multiple sources, even as EEA modernization implementation proceeds. The absence of disaggregated data within the EEA regime, however, continues to represent a critical limitation, as it prevents rigorous comparative or longitudinal data analysis, and obscures the distinct and intersecting systemic barriers experienced by different racialized employees.

Other roles of the CHRC related to EE: Advocate and Employer

Beyond its audit and enforcement roles under the EEA, the CHRC also advances employment equity in other ways: in its role as a human rights advocate and national human rights institution, and in its role as an employer and regulated entity itself.

In its advocate role, the CHRC has called for the modernization of the EEA through its annual reports, public statements, and its submissions to the Task Force on the review of the EEA. As Canada's national human rights Institution, the CHRC has also advocated on employment equity issues in several international submissions, most recently, in the [CHRC Submission to the UN Committee on the Rights of Persons with Disabilities \(CRPD\)](#) (2025) and the [CHRC Submission to the UN Committee on the Elimination of Discrimination against Women \(CEDAW\)](#) (2024). In its submission to the CRPD, the CHRC observed very little progress in the representation of people with disabilities in the federally regulated workforce, noting that their representation remains much significantly lower than their availability rates.⁴ (For example, in 2023 the government reported that representation of persons with disabilities in the core public administration was 6.2%, while the Canadian workforce availability was 9.1%.⁵) In its submission to CEDAW, the CHRC highlighted the recommendations of the Employment Equity Act Review Task Force and urged Canada to take renewed steps to ensure that the employment of racialized women is equitable and non-discriminatory. Through this advocacy, the CHRC also contributes to advancing the Second International Decade for People of African Descent by identify and promoting action to address systemic barriers in employment.

As an employer, the CHRC regularly reports on its EEA obligations and representations. Treasury Board data up to 2024 shows the CHRC has an over-representation of women, racialized persons, and people with disabilities. The area where the CHRC could most improve is Indigenous representation, where there is a slight gap that senior leadership is taking steps to address.

This data is based on voluntary reporting from CHRC and federal employees:

- 1 in 4 employees at the Commission [self-identify as Black or racialized](#)
- 1 in 4 executives at the Commission self-identify as Black or racialized
- 2 out of 3 employees at the Commission [self-identify as women](#)
- The CHRC has the 4th highest representation of [employees with disabilities](#) in the public service

⁴ The CHRC also urged Canada to ensure an amended Employment Equity Act include qualitative data collection requirements and disaggregate the group currently designated as “persons with disabilities” to facilitate a better understanding of how historical, current and emerging barriers to employment affect people with disabilities.

⁵ [Update on Progress in Public Service Accessibility \(2023\) - Canada.ca](#)

The CHRC is presently undergoing its regular three-year Employment Systems Review, a best practice under the EEA to assess equality in the workplace. The Commission continues to undertake ongoing efforts to advance inclusion, diversity, equity, accessibility, and anti-racism (IDEA-AR) across the organization in all its roles – as an employer, advocate, and service provider.

In its current form, the EEA is antiquated and does not go far enough.

Despite some recent EEA amendments, the CHRC has consistently pointed out shortcomings of the current Employment Equity Act, and advocated for more comprehensive reform and modernization. The current EEA is outdated and simply does not go far enough. EEA reform is overdue. Without meaningful reform, persistent gaps will continue to reinforce cycles of marginalization and impede the realization of substantive equality rights.

Despite progress, significant challenges remain in achieving equitable representation persist across many organizations and sectors. For example, longstanding and systemic barriers continue to limit access, advancement, and retention for Indigenous peoples, Black employees, and persons with disabilities.

The current EEA regime has not fully met the needs of all equity-deserving groups. The framework and language in the EEA has not kept pace with Canada's evolving demographics, does not sufficiently recognize the experiences of many underrepresented workers, does not hold employers accountable for their EE progress, does not consistently ensure equal opportunity for promotion or advancement, and lacks a robust intersectional approach to addressing compounded and overlapping systemic barriers that can be better understood with meaningful disaggregated data. Equity-deserving groups not currently designated under the EEA are increasingly seeking recognition. Without a modernized EEA, there is no way to truly get a clear and accurate picture of who is thriving, who is being left behind, and why.

CHRC input into EEA Review Task Force

In July 2021, the federal government appointed a task force to advise the Minister of Labour on how to modernize and strengthen the EEA. At that time, the CHRC urged it to consider bold and progressive changes to the EEA to address historical harms and inequities in Canada. In its 2022 submission to the EEA Review Task Force⁶ the CHRC emphasized the following:

Disaggregating the designated groups of persons with disabilities and racialized people

Noting that rights holders, advocates and community leaders, are best placed to comment on how existing designated groups can be re-defined and what new groups should be added, it is important to underscore how the “disability community” is made up of a diverse array of perspectives and lived experiences that defies a single definition. Racialized groups experience work and employment differently, and failure to capture a disaggregated and intersectional picture of employment outcomes obscures unique or compounded barriers experienced by certain groups. This has contributed to ongoing systemic employment discrimination against these groups.

In addition, people's lived experience of barriers is also affected by intersecting identities, such as race, age, and gender identity, as well as social and economic conditions. Workers should be allowed to self-identify as belonging to multiple designated groups and sub-groups. This intersectional self-identification is the only way that employers, legislators and policy-makers will have an accurate picture of the workforce and of the diverse employment experiences and barriers experienced by workers.

Adding Black people as a designated group

The CHRC supports the Task Force’s recommendation and the Government of Canada’s commitment to add Black people as a separate designated group. Historical and ongoing anti-Black racism has uniquely reinforced barriers to employment experienced by Black public servants and other workers in the federal employment sector.

Moving to a distinctions-based approach to Indigenous Peoples

It is important to consider how Indigenous communities have variously experienced multiple, intergenerational and systemic barriers to employment, including cultural genocide, intergenerational trauma, gaps in education, combined with other intersecting economic and social disadvantage.

⁶ [Canadian Human Rights Commission Submission to the Employment Equity Act Review Task Force | Canadian Human Rights Commission](#)

Efforts to define “Indigenous” in the context of employment equity must involve a more in-depth distinctions-based approach to ensure that the unique rights, interests and circumstances of the First Nations, Inuit and Métis are acknowledged, affirmed, and implemented.

Improvements to data collection for 2SLGBTQI+ employees

A binary understanding of gender in the context of employment access and outcomes is now considered outdated. The lack of data about sexual orientation, non-binary gender identity and relevant employment variables represents one of the biggest limitations to understanding labour market outcomes for 2SLGBTQI+ individuals. Accordingly, self-identification questions for a new designated group of 2SLGBTQI+ people should be included. Because of the wide spectrum of identities that this group intends to capture, these self-identifying questions be inclusive, acknowledging that individuals may identify with one or more of the groups captured within this broad group.

Support for other proposed changes from stakeholders and advocates, including around the inclusion of religious minorities in the EEA.

There are a number of other equity-deserving groups who are seeking recognition under the EEA, as demographics change and the concept of equality evolves. For example, several stakeholder groups who identify as religious minorities, including employee networks across the public service, have shared their concerns and experiences of discrimination in the workplace. Their concerns are reflected in the public discourse around rising antisemitism, Islamophobia and other forms of religious intolerance.

Proposed appointment of an Employment Equity Commissioner

The appointment of an Employment Equity Commissioner could carry important symbolic and practical value by elevating the visibility of workplace equity, strengthening oversight of the employment equity system, and supporting harmonization with related accessibility, pay equity, and complaints regimes, particularly if situated within the CHRC. At the same time, the effectiveness of such a role would depend less on the fact of the appointment itself than on whether the Commissioner’s powers, mandate, and coordination functions are clearly enshrined in legislation. This would present an opportunity to empower an EE Commissioner with broader powers than the CHRC’s present legislated role under the Act. Without legislated authority, adequate funding, and a proportional expansion of CHRC resources, the appointment of an EE Commissioner alone would be insufficient to deliver meaningful advocacy, enforcement, or systemic change.

EEA Review Task Force Report

The CHRC was pleased to see the 2023 EEA Review Task Force report, which made a number of recommendations to modernize the EEA. This report indicated that women and visible minorities have experienced some measurable gains in representation⁷, which demonstrated the impact of employment equity measures when they are clearly articulated and implemented. However, the report noted that these gains do not reflect equitable outcomes for all groups or at all stages of employment. Notably, some subgroups of racialized people were not experiencing the same progress as others. For example, Black employees experienced a decrease in representation between the job application and appointment stages, indicating systemic barriers within recruitment and selection processes. Similarly, the proportion of hires and promotions among Indigenous peoples and persons with disabilities continued to fall below their respective representation within the core public administration.

The CHRC reaffirmed its views in its subsequent submission in response to the Labour Program's April 2024 Consultation Paper, 'Modernizing the Federal Employment Equity Act (EEA)'. The CHRC continues to support ongoing efforts to modernize the EEA. Legislative reform can support both greater accountability, greater public trust and a more representative workforce.

The CHRC also supports efforts being made even in the absence of EEA reform, to improve data gathering and analysis, and to acknowledge and address specific equity concerns especially where these have been raised or analyzed in other reports, grievances, or complaints, such as better supporting the career advancement of Black public servants.

⁷ Employment Equity Act Review Task Force. (2023). [A Transformative Framework to Achieve and Sustain Employment Equity](#).

Amidst workforce adjustment EE obligations remain

The CHRC continues to meet with and learn from rights-holders, advocates, and civil society organizations, who have raised concerns that racialized and Indigenous communities, and people with disabilities may be the ones that are facing these job cuts at a disproportionate rate. For example, a recent report noted⁸ that visible minorities in the federal public service tend to be younger, and therefore may be subject to workforce adjustment at a greater rate in the FPS.

The current workforce adjustment period does not exempt any federal department from its EEA obligations – or any human rights law. In fact, the EEA explicitly requires employers to review and revise their employment equity plans for all four designated groups, in response to changing circumstances --and this would include changes such as workforce adjustment. The CHRC urges federal public service departments and agencies to work to ensure the process of workforce adjustment does not create or exacerbate EE gaps.

In the context of the cuts that organizations across the federal public service are being required to make, leaders should use the tools available to them under Employment Equity legislation to ensure that we come out of this difficult period of fiscal restraint with a public service that reflects the diversity and strength of the country it serves.

Conclusion

The CHRC will continue to ensure the voices of rights-holders, advocates, and civil society organizations inform our advice to Parliament.

The Employment Equity Act has made Canadian society and the Canadian economy better. Canada now has the opportunity to reshape the EEA into a modern tool for a modern Canada, where no one is left behind. We urge the Government to take this timely and important opportunity.

⁸ [Federal cuts will worsen gender, racial and Indigenous inequality in Canada - CCPA](#)

Annex A – Background on the Canadian Human Rights Commission

The Commission has a broad mandate to promote and protect human rights and freedoms in Canada. Operating at arm's length from the federal government, our mission is to promote an inclusive Canada where every person is free to claim their human rights and create the life that they wish for themselves. Together, we work towards a Canada where everyone can be included, and live a life of dignity, justice and respect – free from discrimination.

We do this in many ways: We advocate for human rights in Canada; we support the Pay Equity Commissioner, the Accessibility Commissioner, and the Federal Housing Advocate in carrying out their responsibilities under the Pay Equity Act, the Accessible Canada Act, and the National Housing Strategy Act, respectively; we monitor and enforce regulated entities' compliance with the requirements under the Employment Equity Act; and we screen and, where possible, help resolve human rights complaints from people in Canada who believe they have experienced discrimination. The Canadian Human Rights Commission (CHRC) is also Canada's national human rights institution. It has maintained its accredited "A-status" by the Global Alliance of National Human Rights Institutions since 1999.