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EMPLOYMENT EQUITY IN CANADA'S FEDERAL PUBLIC SERVICE

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Employment Equity in Canada's Federal Public Service
(HillStudies)

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EXECUTIVE SUMMARY

Employment equity is the principle of correcting disadvantages and removing barriers that certain groups face to entering, remaining in or advancing in the workforce. Since 1996, the *Employment Equity Act* (the Act) has been the main tool for advancing this principle in Canada's federal public service.

Among other measures, the Act requires monitoring the representation of four "designated groups" in the federal public service: women, "Aboriginal peoples," "persons with disabilities," and "members of visible minorities."

Criticisms of the Act include the fact that it is limited to these four designated groups, uses outdated language in describing them and does little to encourage analysis of how multiple aspects of one's identity may affect workplace experiences.

Recent data show progress in promoting all four groups within the public service. These data also suggest that all designated groups except people with disabilities have consistently been hired at rates that exceed their workforce availability.

However, the salaries of employees of designated groups are generally lower than those of other public servants. In addition, the groups and metrics chosen by the Act can mask other forms of inequality, including intersectional impacts within subgroups – such as specific ethnic groups within the broader "visible minorities" category – or inequalities faced by groups about which the Act is silent, such as two-spirit, lesbian, gay, bisexual, transgender, queer, intersex, asexual and other sexually and gender-diverse employees.

A 2023 report commissioned by the Minister of Labour issued 187 recommendations for modernization of the Act, including several significant legislative changes. The report was followed by similar recommendations by the Standing Senate Committee on Human Rights. Despite initial agreement by the government at that time on several of these recommendations, no legislative changes have since been made.

EMPLOYMENT EQUITY IN CANADA'S FEDERAL PUBLIC SERVICE

1 INTRODUCTION

The federal public service strives to achieve employment equity in its workforce; that is, it aims to correct disadvantages faced by particular groups in employment. As the public service is the largest employer in Canada, its employment equity efforts directly affect many Canadians and may also serve as a potential model for other employers.

This HillStudy examines the legal framework supporting employment equity, recent data and trends, and efforts to modernize the *Employment Equity Act* (the Act) to increase the diversity of the federal public service and to reduce systemic barriers to employment.

2 EMPLOYMENT EQUITY: THE LEGAL FRAMEWORK

The most basic step toward achieving employment equity is non-discrimination. Discrimination by federally regulated employers is prohibited by section 15 of the *Canadian Charter of Rights and Freedoms*,[1] by the *Canadian Human Rights Act*[2] and by several international treaties to which Canada is a party.[3]

Federal public servants who experience discrimination in the workplace can file a complaint with the Canadian Human Rights Commission,[4] which may result in outcomes such as mediation or a decision by the Canadian Human Rights Tribunal.

Beyond protecting against discrimination, the federal public service is required to actively promote employment equity. The Act – which came into force in 1996 – focuses on four "designated groups": "women, Aboriginal peoples, persons with disabilities, and "members of visible minorities."[5] These categories are criticized for being both underinclusive and reflecting outdated terminology.

The Act requires the public service to go beyond simply treating the four designated groups the same as others. Rather, it calls for the implementation of policies, practices and reasonable accommodations to ensure that persons in these designated groups achieve representation comparable to their levels of representation in the Canadian workforce. The goal of the Act is to correct the conditions of disadvantage faced by these four groups, with the aim of achieving equality by accommodating differences in a merit-based workforce.

The Act continues to apply during staff reduction exercises, helping ensure that designated groups are not disproportionately affected. It remains to be seen how designated groups' representation in the public service will change with the net reduction of 16,000 public servants by 2028–2029, planned as part of the Comprehensive Expenditure Review announced in 2025.[6]

The *Employment Equity Act* is complemented by other federal legislation that addresses aspects of employment equity:

- The *Public Service Employment Act* recognizes the importance of a federal public service that is both merit-based and representative. It requires reasonable efforts to identify and remove biases or barriers that disadvantage people who belong to any equity-seeking group.[7]
- The *Pay Equity Act* is administered and enforced by the Pay Equity Commissioner. It requires federally regulated workplaces with 10 or more employees to establish a pay equity plan to redress systemic gender-based discrimination in compensation.[8]
- The *Accessible Canada Act* is administered and enforced by the Accessibility Commissioner. It aims to make Canada barrier-free by 2040, including by creating accessibility standards and requiring the preparation and publishing of accessibility plans by federally regulated entities.[9]

Notably, parliamentary entities such as the Senate and House of Commons are not subject to the *Employment Equity Act* or the *Public Service Employment Act*. The *Parliamentary Employment and Staff Relations Act*, which applies to parliamentary entities, does not contain equivalent diversity provisions except those related to pay equity.[10]

Special measures to further promote employment equity in the public service are also encouraged through international treaties that Canada has ratified. For example, under Article 27 of the United Nations *Convention on the Rights of Persons with Disabilities*,[11] states parties commit to actively employ persons with disabilities in the public sector.

3 INCREASING AND MONITORING DIVERSITY

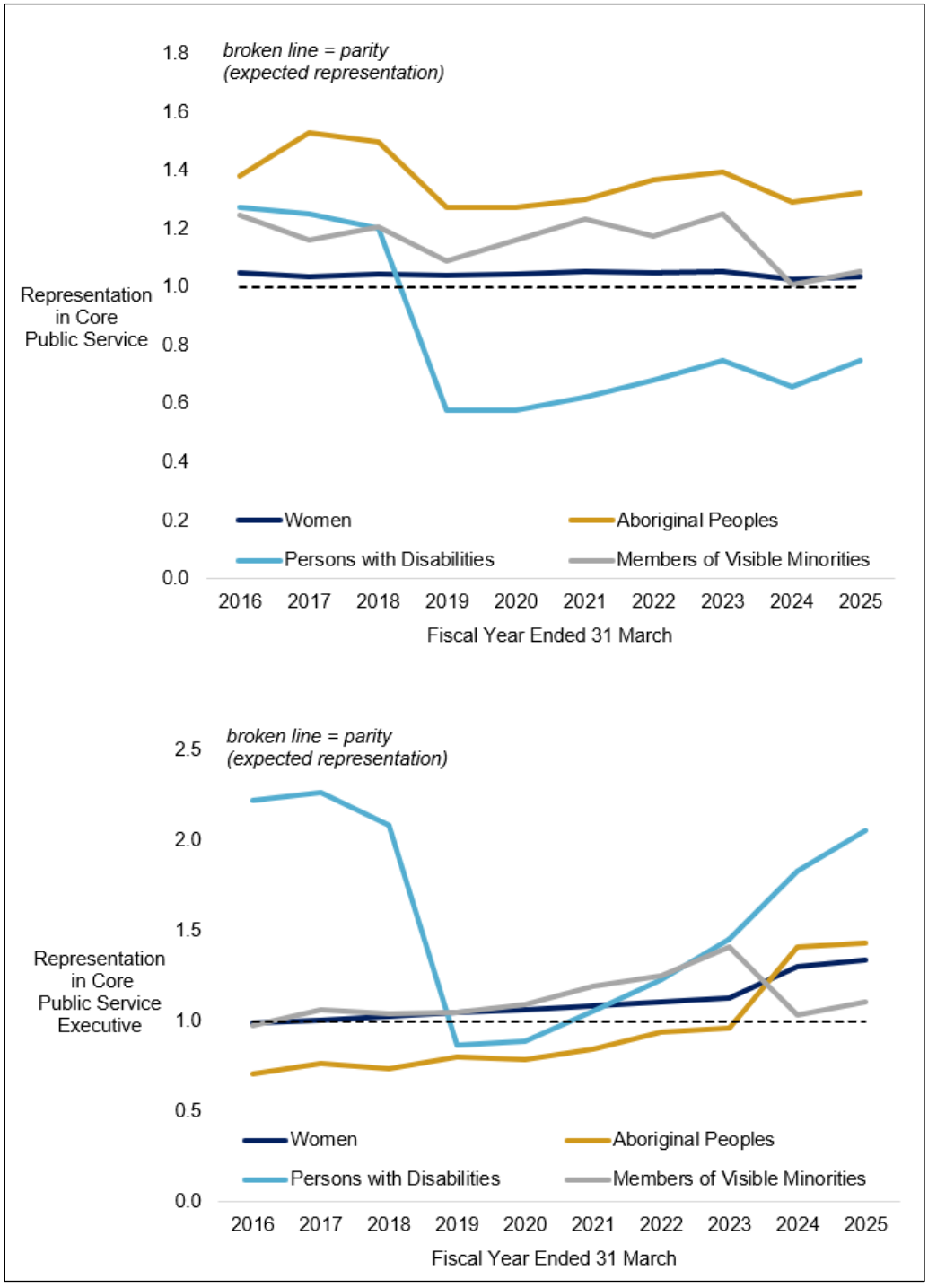
Measures in the federal public service to address employment equity include the following:

- Developing tailored strategies to improve the attraction, retention and career development of diverse groups and address areas of concern. Strategies include the Accessibility Strategy for the Public Service of Canada and the Action Plan for Black Public Servants.[12]
- Offering diversity, equity and inclusion training, which may be compulsory for certain categories of employees, and publishing guides to ensure equity in hiring processes.[13]
- Working to increase inclusion through federal diversity networks, such as the Indigenous Federal Employee Network and the Racialized Women Belonging Group.[14]
- Requiring large contractors doing business with the federal government to make efforts to maintain a diverse workforce.[15]

Since 2021, the Government of Canada has also been "increas[ing] and improv[ing] the availability of detailed statistics on diverse populations, and [supporting] more representative data collection methods."[16]

Figure 1 compares the expected and actual representation levels of designated groups as employees and executives in the public service from 2015–2016 to 2024–2025. "Expected" representation is based on workforce availability (WFA), which is the share of people in the Canadian workforce belonging to a designated group and whom the government considers qualified and available for public service work. There are different WFA benchmarks for public servants and executives.

Figure 1 – Expected and Actual Representation of Designated Groups Among Federal Public Servants and Executives, 2015–2016 to 2024–2025



Notes: "Parity" refers to the expected representation rate and is represented by a broken line set at 1. The solid lines show ratios of actual representation for the four designated groups in the *Employment Equity Act* to their expected rates. For example, a representation ratio of 1.2 indicates that a group's representation rate was 20% higher than expected.

The parity line is based on each group's workforce availability benchmarks. There are different benchmarks for each designated group and different benchmarks for public servants and executives.

Sources: Figure prepared by the Library of Parliament using data obtained from Treasury Board of Canada Secretariat, *Employment Equity Demographic Snapshot 2024–2025*; Treasury Board of Canada Secretariat, *Distribution of public service of Canada executive employees (Executives (EX) and Law Management (LC)) by designated group and level with workforce availability estimates (WFA)*; and Treasury Board of Canada Secretariat, *Demographic Snapshot of Canada's Federal Public Service, 2016*.

[Figure 1 – text version]

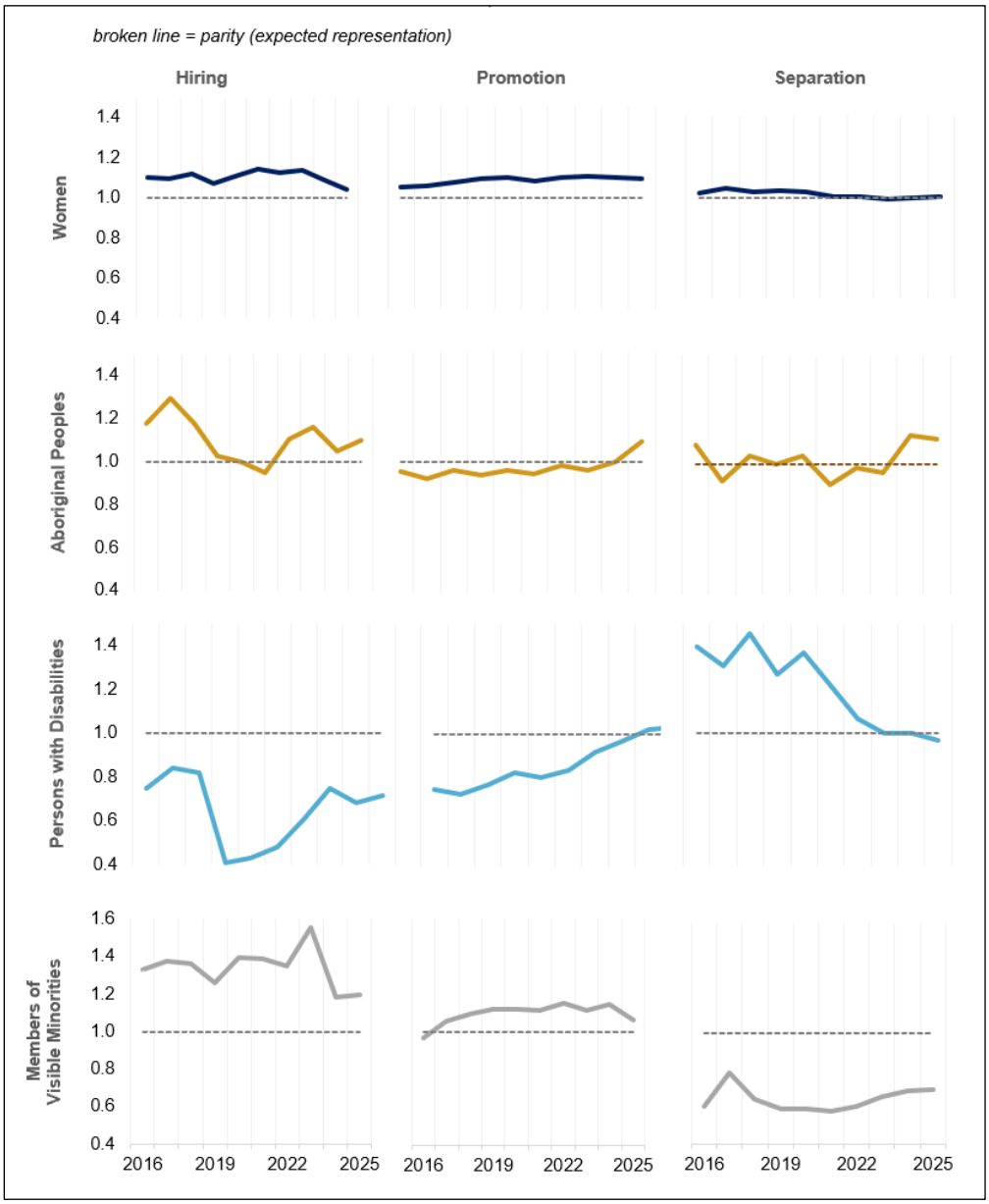
Figure 1 suggests that, in 2024–2025, all designated groups except persons with disabilities were represented in the public service at rates higher than expected based on their WFA. At the executive level, representation of all designated groups exceeded the levels expected by WFA in 2025, having trended upward since 2016. "Aboriginal peoples" surpassed representation benchmarks among executives in 2023 for the first time.

Notably, there are twice as many persons with disabilities in executive positions as expected based on WFA. This may partially reflect increased rates of disability as people age (given that most executives fall into older age brackets) and executives' willingness to self-identify based on changing accommodation needs or increased feelings of psychological safety due to their seniority.[17]

Note that the apparent decrease in the representation of persons with disabilities from March 2018 to March 2019 and of members of "visible minorities" from March 2023 to March 2024 partly reflects the new inclusion of certain groups in the calculation of WFA, which contributed to higher expected representation rates.[18] Public service data on disability have not been revised accordingly, meaning the actual representation of persons with disabilities may be higher. The same caveats apply to Figure 2 below.

Figure 2 compares expected and actual rates of hiring, promotions and separations for public servants of each designated group from 2015–2016 to 2024–2025. Separations mean leaving the public service (e.g., resignation, dismissal and retirement).

Figure 2 – Ratios of Expected to Actual Rates of Hiring, Promotion and Separation for Designated Groups in the Federal Public Service, 2015–2016 to 2024–2025



Notes: Parity refers to expected rates of hiring, promotion or separation and is represented by a broken line set at 1.0. The solid lines show the ratios of actual rates to expected rates. For example, a hiring ratio of 1.2 indicates that a designated group was actually hired at a rate 20% higher than expected.

The parity line for hiring is based on each group's workforce availability. For promotions and separations, parity is based on each group's overall representation in the public service.

Sources: Figure prepared by the Library of Parliament using data obtained from Treasury Board of Canada Secretariat, *Employment Equity Demographic Snapshot 2024–2025*; Treasury Board of Canada Secretariat, *Employment Equity Demographic Snapshot 2023–2024*; and Treasury Board of Canada Secretariat, *Employment Equity in the Public Service of Canada 2015–2016: Annual Report*, 2017.

[Figure 2 – text version]

Figure 2 suggests that all designated groups except people with disabilities have consistently been hired at rates above WFA expectations. In 2024–2025, employees of all designated groups were promoted at rates higher than their representation in the public service.

Separation rates do not show consistent patterns. Women generally separated from the public service at slightly higher rates than their overall representation. Separations of employees with disabilities were much higher from 2015–2016 to 2020–2021 but trended downward and were lower than overall representation rates in 2024–2025. Separation rates for Indigenous employees have fluctuated but were generally within 10% of expected rates over or under their overall representation. Racialized employees generally separated at rates 30% to 40% lower than expected.

Salary is also an important indicator of employment equity. Table 1 shows the salary ranges of employment equity groups and public servants as a whole in 2024–2025.

Table 1 – Salary Ranges of Designated Groups in the Public Service, 2024–2025 (% of Designated Group)

Designated Group	$50,000 and Under	$50,000–$99,999	$100,000–$149,999	$150,000 and Up
Women	1.4	61.5	32.7	4.2
Aboriginal Peoples	1.1	61.8	33.2	3.8
Persons with Disabilities	1.2	57.4	35.7	5.7
Members of Visible Minorities	0.9	61.4	34.1	3.7
All Employees	1.1	57.3	36.8	4.8

Note: Figures may not add to 100.0% due to rounding.

Source: Table prepared by the Library of Parliament using data obtained from Treasury Board of Canada Secretariat, "Appendix A: Statistical tables of employment equity data covered under section 21 of the *Employment Equity Act* – Table 4: Distribution of public service of Canada employees by designated group and salary range," *Employment Equity Demographic Snapshot 2024–2025*.

With some exceptions, federal employees in designated groups are overrepresented in lower salary ranges and underrepresented in higher salary ranges. For example, all designated groups are overrepresented in the Program and Administrative Services occupational group, which comprises jobs with lower salary ranges and is by far the largest occupational group.[19]

4 *EMPLOYMENT EQUITY ACT* MODERNIZATION

Since coming into force in 1996, the *Employment Equity Act* has faced criticism for failing to achieve and sustain employment equity for various groups. In July 2021, the independent *Employment Equity Act* Review Task Force – chaired by Professor Adelle Blackett – was asked to advise the then Minister of Labour on how to modernize and strengthen the Act. Extensive consultations culminated in an April 2023 report with 187 recommendations.[20] The report emphasized that employment equity is built on three pillars: implementation through barrier removal, meaningful consultations, and regulatory oversight. It argued that in practice, however, implementation has been

> reduced to number-crunching and individual accommodations that put the onus on underrepresented workers to *ask* to be "fit" into the norm, with little attention to meaningful consultations and sparse, narrow regulatory oversight.[21]

The report argued that, as a result, the transformative potential of the *Employment Equity Act* has been lost.

Some of the specific concerns raised in the report and by other commentators include:

- Terminology and inclusivity – individuals can face systemic barriers to employment based on various aspects of their identity. The current designated groups are potentially underinclusive, for example by not including two-spirit, lesbian, gay, bisexual, transgender, queer, intersex, asexual and other sexually and gender-diverse (2SLGBTQIA+) workers. Moreover, within the designated groups, the Act does not facilitate consideration of specific subgroups, such as Black workers within "visible minorities." Nor do these groups reflect the complexities of someone facing barriers based on intersecting aspects of their identity, such as someone who faces barriers specifically because of being both Black and a woman. Finally, terminology used in the Act, such as "Aboriginal," "Indians" and "members of visible minorities" is considered outdated.
- Data – the limitations of the four designated groups affect the data that are available. While efforts have been made to collect and report intersectional data,[22] more granularity could help identify disparities that are obscured by aggregate reporting and lead to more targeted interventions to eliminate workplace barriers.
- Barriers within the workplace – the implementation of the *Employment Equity Act* has resulted in insufficient attention given to systemic barriers that affect workplace culture and promotion. The report emphasizes that members of employment equity groups continue to encounter barriers at every stage of the employment lifecycle, including recruitment and screening practices, inaccessible workplaces and accommodation processes, bias in promotion and performance evaluation,

> unequal access to leadership opportunities, workplace harassment and discrimination, and organizational cultures that undermine inclusion.

In general, the report's 187 recommendations relate to issues such as improving data collection, rethinking the four designated equity groups, ensuring meaningful consultations, and strengthening regulatory oversight and accountability. Specific recommendations include the following:

- establishing an independent Employment Equity Commissioner and an Employment Equity Data Steering Committee;
- approaching employment equity implementation, meaningful consultation and regulatory oversight in a disaggregated and intersectional manner;
- creating new employment equity groups for Black Canadians and 2SLGBTQIA+ communities;
- addressing definitional problems associated with disability and replacing the term "visible minority" with "racialized workers";
- adopting the term "Indigenous workers" with a distinctions-based approach for First Nations, Métis and Inuit;
- including parliamentary employees within the scope of the *Employment Equity Act*;
- clarifying that employers have an obligation to make reasonable progress toward employment equity and to sustain it once it is achieved;
- confirming that the *Employment Equity Act* is quasi-constitutional human rights legislation, meaning that it prevails over any conflicting legislation unless there is clear parliamentary intent to the contrary; and
- holding deputy heads in the federal public service directly accountable through their own performance evaluations for ensuring reasonable progress to achieve and sustain employment equity.

While some of the 187 recommendations can be implemented without legislative changes, there have been no amendments to the *Employment Equity Act* since the report was released, and it is unclear whether any policy changes have occurred as a direct result of the report, despite an initial commitment to enact several changes.[23]

Later in 2023, the Standing Senate Committee on Human Rights released two reports with similar recommendations. In its November 2023 report entitled *Combatting Hate: Islamophobia and Its Impact on Muslims in Canada*, the committee cited witness testimony arguing that the four designated categories under the Act can mask intersectional discrimination and religious discrimination. It recommended

> [t]hat the Department of Justice introduce legislation to modernize the *Employment Equity Act*, including to ensure that intersectionality and Islamophobia are taken into account.[24]

Similarly, in its December 2023 report entitled *Anti-Black Racism, Sexism and Systemic Discrimination in the Canadian Human Rights Commission*, the committee cited witness testimony arguing that the designation "visible minorities" can mask discrimination of specific sub-groups, such as Black employees. The committee recommended

> [t]hat the Government of Canada introduce legislation to modernize the *Employment Equity Act*, including by amending the designated groups under the Act to better reflect intersectionality and to specifically include Black and other equity deserving groups.[25]

5 CONCLUSION

The *Employment Equity Act* is the primary legislative framework for reducing barriers to employment in the federal public service. While there has been progress in achieving employment equity for the four designated groups, people with disabilities still appear to be underrepresented, while certain other equity-seeking groups are not explicitly included in the legal framework.

Despite indications from the federal government that legislation to modernize the *Employment Equity Act* was forthcoming,[26] no such legislation has yet been introduced. At the same time, workforce reductions through the Comprehensive Expenditure Review have brought renewed focus to the barriers facing different demographic groups in the federal public service.

NOTES

1. *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982*, 1982, c. 11 (U.K.), s. 15.
2. *Canadian Human Rights Act*, R.S.C. 1985, c. H-6.
3. For example, Article 2 of the International Labour Organization's *Discrimination (Employment and Occupation) Convention, 1958 (No. 111)* states that parties commit to promoting "equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination." International Labour Organization, *Discrimination (Employment and Occupation) Convention, 1958 (No. 111)*, art. 2.
4. Canadian Human Rights Commission, *About the Commission*.
5. *Employment Equity Act*, S.C. 1995, c. 44, s. 3.
6. For more information, see Government of Canada, *Workforce reductions in the federal public service*.
7. *Public Service Employment Act*, S.C. 2003, c. 22, ss. 12–13.

8. *Pay Equity Act*, S.C. 2018, c. 27, s. 416. See also Government of Canada, *List of federally regulated industries and workplaces*.

9. *Accessible Canada Act*, S.C. 2019, c. 10.

10. *Parliamentary Employment and Staff Relations Act*, R.S.C. 1985, c. 33 (2nd Supp.).

11. United Nations, *Convention on the Rights of Persons with Disabilities*, 12 December 2006.

12. Government of Canada, *Accessibility Strategy for the Public Service of Canada*; and Treasury Board of Canada Secretariat, *Government of Canada's Action Plan to support Black public servants*, Backgrounder, 26 February 2025.

13. See, for example, Government of Canada, *Public service hiring guides*.

14. Government of Canada, "GC Diversity Networks – Réseaux de la diversité du GC," GCwiki, Database, accessed 17 August 2026 [BILINGUAL CONTENT].

15. Employment and Social Development Canada, *Federal Contractors Program*.

16. Statistics Canada, *Disaggregated Data Action Plan*.

17. Statistics Canada, *New data on disability in Canada, 2022*, 1 December 2023; and Treasury Board of Canada Secretariat, *Population of the federal public service by age band and executive level*. See also Canada Energy Regulator, "Remuneration Analysis: Analysis – People with disabilities," *Employment Equity Report 2024–25*.

18. The 2016 Census and 2017 Canadian Survey on Disability included, for the first time, disabilities relating to pain and mental health. Workforce availability estimates included only Canadian citizens until March 2022, when permanent residents were included, increasing the proportion of members of visible minorities considered eligible for public service work. See Government of Canada, *Citizenship of Applicants and External Appointments from April 1, 2017 to March 31, 2023*.

19. Government of Canada, "Occupational group representation," *Employment Equity in the Public Service of Canada for Fiscal Year 2024 to 2025*; and Treasury Board of Canada Secretariat, *Rates of pay for public service employees*.

20. Adelle Blackett, Chair of the *Employment Equity Act* Review Task Force, *A Transformative Framework to Achieve and Sustain Employment Equity – Report of the* Employment Equity Act *Review Task Force*, Employment and Social Development Canada, 2023.

21. Ibid., p. 21.

22. See, for example, Treasury Board of Canada Secretariat, *Employment Equity Demographic Snapshot 2024–2025*.

23. Employment and Social Development Canada, *Minister O'Regan receives Task Force report on* Employment Equity Act *modernization*, News release, 11 December 2023.

24. Senate, Standing Committee on Human Rights, "Recommendation 12," *Combatting Hate: Islamophobia and Its Impact on Muslims in Canada*, November 2023, p. 14.

25. Senate, Standing Committee on Human Rights, "Recommendation 10," *Anti-Black Racism, Sexism and Systemic Discrimination in the Canadian Human Rights Commission*, December 2023, p. 42.

26. See, for example, Employment and Social Development Canada, *Departmental Plan 2025–2026*. The plan committed to introducing legislation to modernize the *Employment Equity Act* in that fiscal year.

APPENDIX A – TEXT VERSIONS OF FIGURES 1 AND 2

Figure 1 – Expected and Actual Representation of Designated Groups Among Federal Public Servants and Executives, 2015–2016 to 2024–2025

There are two graphs. The first shows designated groups' representation in the core public service. Women were consistently represented at rates just higher than expected based on workforce availability. Aboriginal Peoples were consistently represented at rates 30% to 50% higher than expected. Persons with disabilities' representation rates exceeded expectations until 2018 and have since been between 20% to 40% lower than expected. Members of visible minorities were represented at rates 10% to 25% higher than expected but dropped to expected rates in 2024 then rose to 5% above expectations in 2025.

The second graph shows designated groups' representation as public service executives, which has generally risen since 2016. Women and members of visible minorities were represented as often as expected in 2016 but rose to rates from 30% to 40% over expectations, with visible minorities experiencing more fluctuations. Aboriginal peoples were underrepresented by 30% in 2016 when compared to expected rates, then met expected rates by 2023 and exceeded them in 2025. There were more than twice as many persons with disabilities in executive positions as expected based on workforce availability from 2016 to 2018. Representation levels for this group dropped to 10 to 15% lower than expected from 2019 to 2020 and then rose again to twice expected levels by 2025.

[return to Figure 1]

Figure 2 – Ratios of Expected to Actual Rates of Hiring, Promotion and Separation for Designated Groups in the Federal Public Service, 2015–2016 to 2024–2025

Figure 2 comprises 12 different line graphs comparing the expected and actual hiring, promotion and separation of each of the four designated groups in the federal public service. Women were consistently hired, promoted and separated from the public service at rates above expectations. Aboriginal peoples' hiring rates fluctuated but typically exceeded expectations. Their promotion rates were consistently just under expected rates until 2023, when they began exceeding expectations. Aboriginal Peoples' separation rates fluctuated between roughly 10% over and 10% under expected rates.

Persons with disabilities were consistently hired below expected rates, dropping from 20% below expected rates in 2018 to 60% below expected rates in 2019, although they have since risen – but not to expected rates. Persons with disabilities were promoted at rates 25% lower than expected in 2016 but rose each year to meet expectations by 2023 and have since slightly exceeded them. Persons with disabilities separated from the public service at rates 30% higher than expected in 2016 but separated as often as expected from 2023 onward. Members of visible minorities were consistently hired at rates 20% to 55% higher than expected. They were consistently promoted at rates roughly 10% higher than expected and separated from the public service at rates fluctuating between 20% to 40% lower than expected.

[return to Figure 2]