



**NATIONAL OFFICE MEMORANDUM  
NO-33-2010**

<b>DATE</b>	November 3, 2010	<b>PRIORITY</b>	For your information
<b>TO</b>	National Board of Directors		
<b>RE</b>	<b>Canadian Human Rights Commissions audit of CBSA</b>		

Sisters and Brothers:

As reported at the NBoD, I took part in an interview with the Canadian Human Rights Commissions audit of CBSA. The compliance review officer, Mr. DeCesare, explained that his role was to verify the employer's compliance with their obligations as set out in the Employment Equity Act. He said that he was conducting interviews with managers, employee representatives, and employees.

The main requirements for the audit are as follows:

- Collection of workforce information
- Workforce Analysis
- Review of employment systems, policies and practices
- Employment Equity Plan
- Implementation and monitoring of Employment Equity Plan
- Periodic review and revision of Employment Equity Plan
- Information about employment equity
- Consultation
- Employment Equity Records

He went on to say that the Act requires employers to consult with their employee representatives and have them assist in developing and revising the organizations employment equity program and to inform employees about employment equity. The Act establishes employer obligations and requires them to consult with employee representatives to remove barriers experienced by designated group members. It requires employers to correct disadvantages in the workplace for the four designated groups - Women, Aboriginal People, People with Disabilities, and Racially Visible People. If under-representation exists for the designated groups, employers are to implement an Employment Equity Plan which would lead to achieving equity.

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CBSA, as a compliance requirement, was tasked with hiring an external employment equity consultant to conduct an Employment System Review. I was interviewed by MODI Consulting back in March, and to this date, I have not received the results.

I informed Mr. DeCesare that CBSA had suspended meetings with the Employment Equity Committee and that the last meeting was in June 2009 so most of the questions he asked me, I was unable to answer due to the lack of consultation with CBSA. I did discuss the barriers that existed, the duty to accommodate, and morale issues. Mr. DeCesare did indicate that the common thread in all the interviews he has conducted was the lack of consultation.

In ending the interview, Mr. DeCesare explained the steps taken if the employer is found to be non-compliant. An agreement will be negotiated between CBSA and the Review Officer. This should be concluded within 30 days. If still non-compliant, then it will be referred to the Commission with the recommendation to apply to the Employment Equity Review Tribunal for an order. If the Tribunal agrees with the Commission, an order can be made to the Federal Court and enforced. The audit should be completed in early 2011.

In Solidarity,

Karen Church  
Equal Opportunity Representative