

Agreement to Implement Employment Equity

(All sections must be completed)

- ☐ New Agreement
- ☐ Revised Agreement

| ORGANIZATION | |
|--|--|
| Legal Name of Organization | Parent company is located outside Canada <div><input type="checkbox"/> Yes<input type="checkbox"/> No</div> |
| Operating Name (if different from Legal Name of Organization) | Business Number |
| | Total number of employees in Canada (Permanent Full-Time and/or Part-Time) |
| Organization's North American Industry Classification System (NAICS) Code Number To find your organization's four-digit NAICS code please visit: http://www.statcan.gc.ca/subjects-sujets/standard-norme/naics-scian/2007/list-liste-eng.htm | <div><input type="checkbox"/> Federally Regulated</div> <div><input type="checkbox"/> Provincially Regulated</div> |

| HEAD OFFICE | | | |
|--|------------------|----------|-------------|
| Address (building number, street, suite, etc.) | City | Province | Postal Code |
| | Telephone Number | | |

| EMPLOYMENT EQUITY CONTACT | | | |
|---------------------------|----------------|--|--|
| Name (print) | | Title | |
| Telephone Number | E-mail Address | Preferred Language of Correspondence <div><input type="checkbox"/> English<input type="checkbox"/> French</div> | |

| CERTIFICATION |
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| <p>The above-named organization:</p> <ul style="list-style-type: none">having a combined workforce of 100 or more permanent full-time and permanent part-time employees in Canada, ANDintending to bid on, or being in receipt of, a federal government goods or services contract, standing offer or contract issued under a Supply Arrangement, valued at \$1,000,000 or more (including applicable taxes) <p>hereby certifies its commitment to implement or maintain employment equity on an on-going basis, beyond the period of the procurement instrument, in keeping with the Federal Contractors Program requirements. For more information on how to implement employment equity please refer to: http://www.esdc.gc.ca/eng/labour/equality/fcp/index.shtml :</p> <p>Important note: If an audit of the Agreement to Implement Employment Equity uncovers misrepresentation on the part of the organization, the procurement instrument(s) with the Government of Canada may be terminated.</p> |

| SIGNATORY | | | |
|---|----------------|--|--|
| NOTE: The signatory must be the Chief Executive Officer OR an authorized person in an executive position with legal authority to sign a contract on behalf of the organization. | | | |
| Name (print) | | Title | |
| Telephone Number | E-mail Address | Preferred Language of Correspondence <div><input type="checkbox"/> English<input type="checkbox"/> French</div> | |
| Signature | | Date (YYYY-MM-DD) | |

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| <p>Privacy Notice:</p> <p>The information you provide on this form is collected under the authority of section 42 of the <i>Employment Equity Act</i> to determine your eligibility for the Federal Contractors Program (FCP).</p> <p>Completion of this form is mandatory. Refusal to provide personal information will result in the organization's name being placed on the FCP Limited Eligibility to Bid List, loss of the right to bid on federal government goods or services contracts of any value and may also result in the termination of the contract.</p> <p>The information you provide may be used and/or disclosed for policy analysis, research and/or evaluation purposes. However, these additional uses and/or disclosures of your personal information will never result in an administrative decision being made about you.</p> <p>Your personal information is administered in accordance with the <i>Privacy Act</i> and other applicable laws. You have the right to the protection of, and access to, your personal information, which is described in Personal Information Bank ESDC PPU 721. Instructions for obtaining this information are outlined in the government publication entitled <i>Info Source</i>, which is available at the following website address: http://www.infosource.gc.ca. <i>Info Source</i> may also be accessed online at any Service Canada Centre.</p> |
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| RETURN INSTRUCTIONS |
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| <p>IMPORTANT</p> <ul style="list-style-type: none">The signed Agreement to Implement Employment Equity form must be sent to the Labour Program by e-mail at: ee-eme@hrsdc-rhdcc.gc.ca. |



Federal Contractors Program

Contractors who are awarded an initial goods or services contract, a standing offer agreement, or a supply agreement valued at \$1M or more (including applicable taxes) are required to implement employment equity, and if representation gaps exist, to make all reasonable efforts within the context of their specific organizational environment and structural needs to close the gaps. This obligation is on-going and not only subject to the period of a specific contract.

Contractors are required to conduct, develop and maintain:

- a. A survey of their workforce on the representation of the four designated groups using a self-identification questionnaire;
- b. A workforce analysis (WFA) that compares representation with requisite labour market availability by occupational groups; and
- c. Short-term and long-term numeric goals on closing gaps that have been identified where under-representation exists.

Contractors are required to submit to the Labour Program of Employment and Social Development Canada(ESDC):

- a. One year after the award of an initial goods or services contract, a standing offer agreement, or a supply agreement valued at \$1M or more (including applicable taxes):
 - Self-identification questionnaire used to collect workforce information;
 - Initial WFA; and
 - Annual short-term numeric goals for a period of three years and long-term numeric goals where under-representation exists on closing gaps that have been identified.
- b. Four years after the award of an initial goods or services contract, a standing offer agreement, or a supply agreement valued at \$1M or more (including applicable taxes) and every three years thereafter:
 - Updated WFA;
 - Updated annual short-term numeric goals for a period of three years and long-term numeric goals where under-representation exists on closing gaps that have been identified; and
 - Completed Achievement Table.

ESDC-Labour will assess contractors on a risk-based basis, one year and four years after the award of an initial goods or services contract, a standing offer agreement, or a supply agreement valued at \$1M or more (including applicable taxes) and every three years thereafter. Assessments are based on the achievement of representation results and measured against the requirements set out for the Federal Contractors Program (FCP).

Contractors found to be in non-compliance will be ineligible for future goods or services contracts, standing offer agreements, or supply agreements of any value with the federal government. In addition, contractors will be placed on a public list of non-compliant contractors. A finding of non-compliance may result in the termination of the contract.

For information on the detailed requirements as well as the framework and standards for assessment of results, please refer to the website: <http://www.esdc.gc.ca/eng/labour/equality/fcp/index.shtml>.

Questions and Answers

Subsidiary vs. Division/Branch

Q1 Does the Agreement to Implement Employment Equity (Agreement) apply to the whole organization or only to the part carrying out the contract?

A1 The signed Agreement applies to the whole organization named in the Agreement and its entire Canadian workforce including all of its components (divisions, branches, etc.), with the exception of subsidiary corporations.

Division: A division is part of the primary business, not separate, and the primary business is legally responsible for the obligations and debts of the division.

Branch: A branch is an office that is not located at/with the company’s corporate headquarters but is part of the organization.

Subsidiary: A subsidiary is owned or controlled by another entity (a parent company), but it is a separate legal entity.

Q2 If an organization that is not subject to the Federal Contractors Program (FCP) is taken over by (or merged with) an organization that is subject to the Program, does it become subject to the FCP as well?

A2 An organization is subject to the FCP if it becomes part of the acquiring company. However, if the organization remains a subsidiary and still operates as a separate legal entity from the acquiring company, it does not become subject to the FCP.

For the purpose of the FCP, subsidiaries require a separate Agreement (and Agreement number) because they are separate legal entities. Divisions are part of an organization and are included as part of the whole organization.

Q3 When should a new Agreement be completed and signed?

A3 A new Agreement should be completed if the organization has undergone a change in its legal name.

Employment Status

Q1 Who is considered to be a permanent full-time employee under the FCP?

A1 A permanent full-time employee is employed for an indeterminate period of time to work the standard number of hours on a regular basis as determined by the employer, depending on the occupational group to which the person belongs. The standard number of hours cannot be less than the usual number of hours worked by full-time employees in the same occupational group.

Q2 Who is considered to be a permanent part-time employee under the FCP?

A2 A permanent part-time employee is employed for an indeterminate period of time to work fewer than the standard number of hours on a regular basis as determined by the employer, depending on the occupational group to which the person belongs.

Generally, what is standard or usual for a group of employees is considered full-time; anything less is considered part-time. For example, in a case where the standard, usual way of working for the company is to work eight (8) hours per day for three (3) days per week, employees who fit this work pattern would be considered full-time, and employees who do not would be considered part-time.

Q3 How are students counted under the FCP?

- A3 Students employed during a school break, and who are returning to school, are not counted as employees for employment equity purposes.

Co-operative education (Co-op) students working during the summer period are not considered to be on a school break since this work experience forms part of their education. In addition, students working on a permanent part-time basis throughout the year are counted provided they worked 12 weeks or more.

Q4 How are other employees counted under the FCP?

- A4 Other employees are those who are on unpaid leave (often temporary lay-off or long-term leave) but who otherwise fulfil the definitions of permanent full-time or permanent part-time employees and maintain the right to return to work.