

# JUSTICE CANADA DETAILED MANAGEMENT ACTION PLAN

## Fall 2023 Reports of the Auditor General of Canada — Inclusion in the Workplace for Racialized Employees

### Context

The Office of the Auditor General has conducted an audit on Inclusion in the Workplace of Racialized Employees across seven (7) departments, including the Treasury Board Secretariat and the Department of Justice. The data collected for this audit spanned 4 years from 2018 to 2022 inclusive and was gathered throughout 2022.

Over the past several years, the Department of Justice has invested significant time, effort, and funding in addressing racism, both systemic and overt. Justice has worked to become a leader in diversity, equity and inclusion. Our vision is a Department that reflects Canada where all employees feel welcomed and valued. While significant progress has been made, we recognize that more needs to be done. In line with this vision, we welcome the Audit's findings and commit to integrating these recommendations into our Employment Equity Plan.

In November of 2020, the Department of Justice created the Anti-Racism and Anti-Discrimination Secretariat and approved a 2021-2024 Anti-Racism and Anti-Discrimination Results Framework ("Framework"). This Framework outlines programs and initiatives to identify, address and eliminate systemic racism and discrimination. The Framework strives to foster greater diversity and inclusion in the workplace.

The Framework consists of four pillars: Representation; Career Development; Anti-Racism Training and Culture Change; and Measurement and Leadership Accountability. Under each pillar are corresponding initiatives critical to achieving this vision. The Framework was developed by members of equity groups and in close collaboration with the Department's Advisory Committees. It was approved in 2021 by the Executive Committee and many essential action items have been implemented or are well underway.

For example, the Department is leading on many data collection initiatives, which are needed to form the foundation for a thorough analysis. The Department of Justice is the first department to launch a self-declaration campaign to collect individuals' consent to use their self-identification information for targeted human resources programs such as targeted staffing, representative selection boards, talent management, leadership development, official languages training, mentorship, and sponsorship.

The Department's self-declaration form also allows employees to identify their sexual orientation, gender identity and expression, ethnic and religious identities, in addition to disaggregated sub-group information about their membership in the four designated employment equity groups. This tool allows our people to tell us about themselves once, and to choose how the information can be used, without having to answer the same question repeatedly. The information we get from this tool also provides the data sets needed to further analyze disaggregated data and intersectionality.

The Department is also the first to set representation targets based on benchmarks that better represent Canada's population today, as opposed to targets based on "Workforce Availability" information released by Treasury Board Secretariat, which may be several years old. This is particularly important because populations of racialized group members, and indigenous peoples, are growing at a disproportionately higher rate than others.

The Justice Executive Leadership Policy Statement on Anti-Racism, Equity, Diversity, and Inclusion was also introduced in April 2023 which outlines a series of commitments similar to a pledge by Senior management to foster an inclusive culture.

In terms of management accountability, performance indicators and a performance scorecard have been developed by ARADS with Program Evaluation and Corporate Planning, Risk and Reporting, in consultation with key stakeholders, to report on all of the initiatives outlined in the Framework. Also, all JUS Corporate Commitments have been integrated into the performance agreements of all EXs and LCs and managers are required to regularly communicate with employees regarding employment equity, diversity, and inclusion initiatives and progress.

Achieving an organization that is anti-racist, equitable, diverse and inclusive where all employees feel they belong is a journey and this audit is an illustration of where we were at a point in time on this journey. While there is still more work to do, substantial progress has also been made to align us with the recommendations outlined below.

We will examine the recommendations and fully consider the impact potential changes from TBS and others may have on our departmental direction. We wish to thank those who participated in the interviews and provided input to the audit team.

We are pleased to present the management action plan, which provides specific information on the management response to the recommendations contained in the audit report.

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5.26	Each of the 6 organizations, using the guidance and best practices we recommend the Treasury Board of Canada Secretariat prepare, should implement performance measurement frameworks to assess and report on progress toward its equity and inclusion outcomes. Furthermore, each of the 6 organizations should develop and implement its performance measurement indicators and related benchmarks or comparator groups using an extensive and comprehensive approach driven by racialized employees, as they are the employees affected by racism in the workplace.	<p><b>The Department of Justice’s response.</b> Agreed. The Department of Justice has approved performance measures and indicators capturing outcomes for all initiatives listed in its Anti-Racism and Anti-Discrimination Framework 2021-2024 and the Departmental Employment Equity Plan 2022-2025. These performance measures and indicators were co-created with employees affected by racism under the leadership of the Department’s Anti-Racism and Anti-Discrimination Secretariat during 2021 and 2022 and were approved by the department’s Executive Committee in April 2022.</p> <p>Based on the Treasury Board Secretariat’s guidance, tools and best practices shared with departments, the Department of Justice Canada will update its current performance measures and indicators as appropriate, including those that compare the experience of racialized employees with comparative groups.</p>	<ol style="list-style-type: none"> <li>1. Justice’s existing performance measurement framework is modified to include comparator groups in order to assess and report on progress toward equity and inclusion outcomes.</li> <li>2. Justice reports on these measures to all stakeholders and employees at a minimum, annually.</li> <li>3. Justice’s performance measurement framework is aligned with any new direction provided by the TBS, in consultation with racialized employees.</li> </ol>	<ol style="list-style-type: none"> <li>1. <b>March 31, 2025</b></li> <li>2. <b>June 30, 2025</b></li> <li>3. <b>March 31, 2028</b></li> </ol>	<p><b>For Outcome/Result 1 &amp; 2</b></p> <p>The Department of Justice has approved performance measures and indicators capturing outcomes for all initiatives listed in its Anti-Racism and Anti-Discrimination Framework 2021-2024 and the Departmental Employment Equity Plan 2022-2025.</p> <ol style="list-style-type: none"> <li>1. <b>FY2024-25:</b> Update the current performance measures and indicators in the Anti-Racism and Anti-Discrimination Results Framework to include comparator groups and collect relevant data/information for monitoring and reporting purposes.</li> <li>2. <b>End of Q1 2025-26:</b> Develop progress report including updated performance measures and indicators with all stakeholders and present to senior management and make available to all staff, followed by annual progress reports, at a minimum.</li> <li>3. <b>FY2027-28 (dependent on TBS support):</b> Upon receipt of Treasury Board’s guidance, tools, and best practices, conduct a review and adjust existing performance measures and indicators in consultation with racialized employees, as appropriate.</li> </ol>	Pascale O’Bomsawin (Director, ARADS, JUS)	

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5.50	All 6 organizations should undertake data-informed analysis to understand how racialized employees experience their workplace in comparison with others. By using quantitative data together with qualitative data, such as the lived experiences of racialized and other designated groups, organizations should take concrete and measurable actions to correct situations of employment disadvantage.	<b>The Department of Justice's response.</b> Agreed. While the Department of Justice Canada's Employment Equity Plan 2022-2025 already collects and analyzes most of the quantitative data noted by the Audit (representation, promotion, retention), improvements can be made in comparing results between racialized and other designated groups, and the general employee population. In addition, the Department will collect and integrate qualitative data into the Department's Anti-Racism and Anti-Discrimination Results Framework 2021-2024 and the Departmental Employment Equity Plan 2022-2025. In July 2023, the Department launched its new Self-Identification and Voluntary Self-Declaration Questionnaire. By the end of August 2023, the employee response rate is already at 78%.	<ol style="list-style-type: none"> <li>JUS has a better understanding of how racialized employees experience their workplace in comparison to others through quantitative and qualitative analyses.</li> <li>Qualitative data is integrated into JUS's Anti-Racism and Anti-Discrimination Results Framework and the Departmental Employment Equity Plan to better assess progress and results.</li> </ol>	<ol style="list-style-type: none"> <li><b>June 30, 2026</b></li> <li><b>December 31, 2026</b></li> </ol>	<p><b>For Outcome/Result 1 &amp; 2</b></p> <p>To be able to take concrete actions to correct situations of employment disadvantage, it is important to understand the lived experiences and challenges faced by racialized and other equity groups, in comparison to others. This can be done through a data-informed analysis.</p> <ol style="list-style-type: none"> <li><b>End of Q2 2024-25:</b> Develop a plan to collect qualitative data and update performance measures and indicators in the Anti-Racism and Anti-Discrimination Framework and Employment Equity Plan.</li> <li><b>FY2024-25:</b> Conduct an analysis of qualitative data (e.g., Anti-Racism and Anti-Discrimination Culture Change Baseline Survey and series of focus groups, Employment Systems Review) to understand the experiences of racialized and other equity groups in comparison to others.</li> <li><b>FY2024-25:</b> Conduct an analysis of quantitative data (e.g., representation, recruitment, promotion, separations, Public Service Employee Survey results) comparing results for racialized and other equity group employees to others.</li> <li><b>End of Q3 2025-26:</b> Based on quantitative and qualitative analyses and progress with respect to initiatives, identify any additional actions required to correct situations of employment disadvantage, and integrate into the Department's Anti-Racism and Anti-Discrimination Framework and the Departmental Employment Equity Plan.</li> </ol>	<p>Director (Corporate HR Programs and Planning, HR Branch, JUS)</p> <p>Pascale O'Bomsawin (Director, ARADS, JUS)</p>	
5.66	All 6 organizations, supported by the Treasury Board of Canada Secretariat, should examine their existing complaint	<b>The Department of Justice's response.</b> Agreed. Supported by the Treasury Board Secretariat, the Department of Justice Canada will review its complaint resolution procedures to ensure they are effective in addressing and preventing instances of racism in the workplace. The Department also will	<ol style="list-style-type: none"> <li>Complaint resolution procedures are designed to address</li> </ol>	<ol style="list-style-type: none"> <li><b>March 31, 2027</b></li> </ol>	<p><b>For Outcome/Result 1</b></p> <p>JUS recognizes the need to ensure that those who experience or witness harassment, hate, discrimination or racism in the workplace have</p>	Director (Corporate HR Programs and Planning, HR)	

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	<p>resolution processes and ensure that these processes specifically address instances of racism in the workplace and that complaints are received and managed by professionals trained and experienced in the area of racism.</p>	<p>ensure that human resources professionals assigned to receive, manage, and investigate complaints of racism in the workplace have the competencies and skills required based on the secretariat's review of the complaint resolution process. Following the examination of the complaint processes and professional requirements, the Department will address areas requiring adjustments and update its tools, processes, and training requirements as appropriate.</p> <p>The Department recognizes the critical need to ensure those who experience, witness, or have a responsibility to address harassment, hate, discrimination or racism in the workplace have somewhere to turn for support and established the Ombuds and Informal Resolution Services Office in 2021. The office contributes to the goal of creating a safe and inclusive workplace by providing a safe space where all employees and managers can raise, discuss, and explore options to help resolve concerns without fear of reprisal, judgment, discrimination, or stigma.</p>	<p>instances of racism in the workplace.</p> <p>2. HR professionals and managers are trained on the relevant competencies to effectively receive, manage, and investigate complaints and notices of occurrences of racism in the workplace.</p>	<p>2. <b>March 31, 2027</b></p>	<p>access to a safe and confidential complaint resolution process that is effective at both addressing and preventing these situations.</p> <p>1. <b>FY2026-27 (dependent on TBS support):</b> Based on guidance and tools provided by the Treasury Board Secretariat in response to this recommendation, conduct a review of the complaint resolution processes and modify the processes (i.e. procedures, data collection and tools) related to grievances in Labour Relations and notices of occurrence in the Harassment and Violence Prevention Program, as appropriate.</p>	<p>Branch, JUS)</p> <p>Anny Blondeau (Senior Director, HR Branch, JUS)</p> <p>Pascale O'Bomsawin (Director, ARADS, JUS)</p>	

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					<p><b>For Outcome/Result 2</b></p> <p>JUS recognizes the need to ensure that those who have a responsibility to address harassment, hate, discrimination, or racism in the workplace have the competencies to effectively manage these sensitive and confidential situations and to ensure that employees feel they have a safe space to raise and discuss their experience with qualified professionals without fear of reprisal, judgement, discrimination, or stigma.</p> <ol style="list-style-type: none"> <li><b>Q1 2024-25 to Q4 2025-26:</b> As an interim measure while the review of the complaints process is underway coordinated by the Treasury Board Secretariat, HR professionals in the Department of Justice who receive, manage, and investigate complaints of racism will take Anti-Racism and Anti-Oppression training and other relevant training to increase their expertise and their understanding of the lived experiences of equity groups.</li> <li><b>FY2026-27 (dependent on TBS support):</b> Based on the identification and availability of enhanced training on Employment Equity and Diversity, incorporate the competencies and associated training provided by the Canada School of the Public Service into the performance management process, including learning and development plans, for professionals who receive, manage and investigate complaints of racism in the workplace and monitor and report on the completion of the relevant courses.</li> </ol>	<p>Director, (Corporate HR Programs and Planning, HR Branch, JUS)</p> <p>Anny Blondeau (Senior Director, HR Branch, JUS)</p>	

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5.67	All 6 organizations, supported by the Treasury Board of Canada Secretariat, should collect and analyze information gathered through complaint resolution processes to identify root causes of disadvantage for racialized employees. Analysis of this information should contribute to preventing and resolving racism in the workplace.	<b>The Department of Justice's response.</b> Agreed. Supported by the Treasury Board Secretariat, the Department of Justice Canada will review its current data collection and analysis approach for its complaint resolution processes. The review will incorporate best practices shared by the secretariat to support identification of risk factors and the conduct of investigations.	Complaint resolution processes collect and analyze information to identify root causes of disadvantage for racialized employees that will also contribute to preventing and resolving racism in the workplace.	March 31, 2028	<p><b>For Outcome/Result 1</b></p> <p>Availability of timely and relevant information through the complaint resolution process will allow for an analysis to help understand the root causes of disadvantage and racism. This information can be used to identify ways to support the prevention of occurrences of racism, and if and when they do occur, to resolve these situations more effectively.</p> <ol style="list-style-type: none"> <li><b>1. FY2026-27 (dependent on TBS support):</b> Establish processes to collect the relevant information through the complaint resolution processes in order to address the root causes of racism in the workplace, based on TBS direction and sharing of best practices.</li> <li><b>2. FY2027-28 (dependent on TBS support):</b> Conduct an analysis of the data collected to better understand situations of disadvantage and racism.</li> <li><b>3. FY2027-28 (dependent on TBS support):</b> Integrate best practices and findings from the data analysis into the complaint resolution processes and update procedures, tools and resources, as appropriate, and monitor results through the performance measurement framework.</li> </ol>	<p>Director, (Corporate HR Programs and Planning, HR Branch, JUS)</p> <p>Anny Blondeau (Senior Director, HR Branch, JUS)</p>	

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5.79	Each of the 6 organizations and the Treasury Board of Canada Secretariat should establish expected behaviours needed for an anti-racist and inclusive work environment and against which performance should be assessed for employees. These behaviours should be aligned with specific equity and inclusion outcome indicators and the performance measurement frameworks.	<p><b>The Department of Justice’s response.</b> Agreed. With direction from the Treasury Board Secretariat, the Department of Justice Canada will implement changes to management approaches and tools, including the leadership competency profile, to integrate leadership behaviors that cultivate an anti-racist and inclusive work environment through its performance management processes for leaders at all levels.</p> <p>In the interim, the Department will cascade relevant, level-appropriate commitments and indicators into the performance agreements of managers and supervisors. The Department will also review and update as appropriate, the existing performance indicators and measures for its Anti-Racism and Anti-Discrimination Results Framework 2021-2024 and Employment Equity Plan 2022-2025 to ensure they align to the management approaches and tools, including the leadership competency profile, provided by the secretariat.</p>	<ol style="list-style-type: none"> <li>As an interim measure, performance agreements of managers and supervisors include level-appropriate commitments and indicators cascaded from executives for an anti-racist and inclusive work environment.</li> <li>JUS has integrated updated competency framework related behaviors into its performance management processes for leaders at all levels.</li> </ol>	<ol style="list-style-type: none"> <li><b>September 30, 2024</b></li> <li><b>March 31, 2028</b></li> </ol>	<p><b>For Outcome/Result 1</b></p> <p>It is important that employees are aware of the competencies and behaviors they should have to support an anti-racist and inclusive workplace.</p> <ol style="list-style-type: none"> <li><b>Q1 2024-25:</b> Define the expected level appropriate behaviours for managers and supervisors to support an anti-racist and inclusive work environment based on executive level quantitative and qualitative goals.</li> <li><b>Q2 2024-25:</b> Through the Performance Management process call letter for employees, identify the requirements for inclusion of the commitments and indicators in the performance agreements of managers and supervisors.</li> <li><b>Q3 2024-25 to Q1 2025-26:</b> Monitor the compliance of the inclusion of this commitment and supporting indicators in performance agreements and monitor change through the Anti-Racism and Anti-Discrimination Culture Change Baseline Survey and the performance measurement framework.</li> </ol> <p><b>For Outcome/Result 2</b></p> <ol style="list-style-type: none"> <li><b>FY2026-27 (dependent on TBS support):</b> Review the existing performance indicators and measures for the Anti-Racism and Anti-Discrimination Framework and Employment Equity Plan with the TBS tools and existing competency frameworks and adjust, as necessary.</li> <li><b>FY2026-27 (dependent on TBS support):</b> Adjust processes, tools, and resources (e.g., common commitments and indicators) for the executive and employee performance management processes, to align with</li> </ol>	<p>Director, (Corporate HR Programs and Planning, HR Branch, JUS)</p> <p>Pascale O’Bomsawin (Director, ARADS, JUS)</p>	



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					<p>existing competency frameworks, and related behaviours.</p> <p>3. <b>FY2026-27 (dependent on TBS support):</b> Communicate the new requirements for the executive and employee performance management processes with respect to existing competency frameworks, and commitments and indicators in the annual Performance Management process.</p> <p>4. <b>FY2027-28 (dependent on TBS support):</b> Monitor the compliance of the inclusion of the commitment and indicators in performance agreements and follow-up with managers, as appropriate.</p>		