

Diversity Monitoring Survey Checklist - Canada



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
---	--	---	--	--	---	-----------------------

Federal

Yes – applicants and employees	<ul style="list-style-type: none"> •Anonymised •Pseudonymised •Survey conducted by a third party, employer would see only aggregated data 	<ul style="list-style-type: none"> •Gender •Sexual orientation •Ethnic origin •Religion •Disability •Age •Socioeconomic status •Social mobility •Familial/Parental status • Any other – please specify: race, national or ethnic origin, sex, place of origin, colour, citizenship, education, ancestry, nationality, gender expression, gender identity, creed, record of offences, genetic characteristics, conviction for an offence for which a pardon has been granted 	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <p>Only designated employees</p>	Yes, data can only be kept for as long as necessary for the purposes for which it was collected.	Organizations should notify individuals if their information will be sent to another jurisdiction for processing, and that once their information is transferred it could be accessed by law enforcement agencies, courts or national security authorities of that jurisdiction.	<p>The collection of data from employees in the workplace to monitor diversity and equity is encouraged as a best practice in Canada to promote human rights equality and equity and to prevent or address systemic barriers to access opportunities and to address discrimination in the workplace. Diversity and Inclusion surveys are becoming increasingly more common amongst employers and diversity and inclusion are becoming more common considerations in the selection of suppliers.</p> <p>Federal works, undertakings or businesses may be required to collect some of this data pursuant to employment equity legislation and/or to promote equality, equity, remove systemic barriers and prevent systemic discrimination in the workplace.</p> <p>Public sector employers may be subject to additional legislation surrounding the collection, use and disclosure of such information.</p>
--------------------------------	--	---	--	--	--	--

Diversity Monitoring Survey Checklist - Canada



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
---	--	---	--	--	---	-----------------------

Alberta

Yes – applicants and employees	<ul style="list-style-type: none"> •Anonymised •Pseudonymised •Survey conducted by a third party, employer would see only aggregated data 	<ul style="list-style-type: none"> •Gender •Sexual orientation •Ethnic origin •Religion •Disability •Age •Socioeconomic status •Social mobility •Familial/Parental status • Any other – please specify: race, sex, place of origin, colour, citizenship, education, ancestry, nationality, gender expression, gender identity, creed, record of offences 	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <p>Only designated employees</p>	Yes, data can only be kept for as long as necessary for the purposes for which it was collected.	There are no other specific rules.	See under Federal.
--------------------------------	--	--	--	--	------------------------------------	--------------------

British Columbia

Yes – applicants and employees	<ul style="list-style-type: none"> •Anonymised •Pseudonymised •Survey conducted by a third party, employer would see only aggregated data 	<ul style="list-style-type: none"> •Gender •Sexual orientation •Ethnic origin •Religion •Disability •Age •Socioeconomic status •Social mobility •Familial/Parental status • Any other – please specify: race, sex, place of origin, colour, citizenship, education, ancestry, nationality, gender expression, gender identity, creed, record of offences 	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <p>Only designated employees</p>	Yes, data can only be kept for as long as necessary for the purposes for which it was collected.	There are no other specific rules.	See under Federal.
--------------------------------	--	--	--	--	------------------------------------	--------------------

Diversity Monitoring Survey Checklist - Canada



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
---	--	---	--	--	---	-----------------------

Ontario

Yes – applicants and employees	<ul style="list-style-type: none"> •Anonymised •Pseudonymised •Survey conducted by a third party, employer would see only aggregated data 	<ul style="list-style-type: none"> •Gender •Sexual orientation •Ethnic origin •Religion •Disability •Age •Socioeconomic status •Social mobility •Familial/Parental status • Any other – please specify: race, sex, place of origin, colour, citizenship, education, ancestry, nationality, gender expression, gender identity, creed, record of offences 	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <p>Only designated employees</p>	Yes, data can only be kept for as long as necessary for the purposes for which it was collected.	There are no other specific rules.	See under Federal.
--------------------------------	--	--	--	--	------------------------------------	--------------------

Quebec

Yes – applicants and employees	<ul style="list-style-type: none"> •Anonymised •Pseudonymised •Survey conducted by a third party, employer would see only aggregated data 	<ul style="list-style-type: none"> •Gender •Sexual orientation •Ethnic origin •Religion •Disability •Age •Socioeconomic status •Social mobility •Familial/Parental status • Any other – please specify: race, sex, place of origin, colour, citizenship, education, ancestry, nationality, gender expression, gender identity, creed, record of offences 	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <p>Only designated employees</p>	Yes, data can only be kept for as long as necessary for the purposes for which it was collected.	There are no other specific rules.	See under Federal.
--------------------------------	--	--	--	--	------------------------------------	--------------------

Diversity Monitoring Survey Checklist - Canada



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
---	--	---	--	--	---	-----------------------

Saskatchewan

Yes – applicants and employees	<ul style="list-style-type: none"> •Anonymised •Pseudonymised •Survey conducted by a third party, employer would see only aggregated data 	<ul style="list-style-type: none"> •Gender •Sexual orientation •Ethnic origin •Religion •Disability •Age •Socioeconomic status •Social mobility •Familial/Parental status • Any other – please specify: race, sex, place of origin, colour, citizenship, education, ancestry, nationality, gender expression, gender identity, creed, record of offences 	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <p>Only designated employees</p>	Yes, data can only be kept for as long as necessary for the purposes for which it was collected.	There are no other specific rules.	See under Federal.
--------------------------------	--	--	--	--	------------------------------------	--------------------

Answers provided by [Miller Thomson LLP](#) and [Shibley Righton LLP](#)

Disclaimer:
 The information in the Multilaw Checklist for Monitoring Staff Data provides a general overview at the time of publication and is not intended to be a comprehensive review of all legal developments nor should it be taken as opinion or legal advice on the matters covered. It is for general information purposes only and readers should take legal advice from a Multilaw member firm.