EMPLOYMENT SYSTEMS REVIEW

REPORT

DISTRICT SCHOOL BOARD OF NIAGARA
EQUITY AUDIT

July 7, 2019

DSBN
DISTRICT
SCHOOL BOARD
OF NIAGARA

TCG TURNER
CONSULTING GROUP

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EXECUTIVE SUMMARY

Background

The District School Board of Niagara (DSBN / Board) believes that every employee is entitled to a working environment that respects who they are and values their contributions to the success of the organization. The Board also believes that everyone should have an equitable opportunity to be hired and to advance within the organization.

The Board has gone beyond this statement of belief by contracting with Turner Consulting Group Inc. to undertake an Equity Audit that will gather evidence of how well it is cultivating an inclusive organization and making recommendations for change. The audit will be completed over the next 3 years and consists of:

An Employment Systems Review (2018–2019 School Year)
The Employment Systems Review (ESR) will be an examination of Human Resources policies and practices as well as the corporate culture through an equity lens.

A Workforce Census (2019–2020 School Year)
The Workforce Census is a demographic survey of all staff that will give the DSBN a better understanding of the composition of its workforce.

Results of the Employment Systems Review and the Census will be used to develop an Employment Equity Plan to foster equity, diversity, and inclusion across the system.

A Student Census (2020–2021 School Year)
This will be a demographic survey of DSBN students. It will provide a better picture of the communities served and identify areas of need that require further support.

An Inclusive Organization

The ultimate goal of this work is to create an inclusive organization. An inclusive organization is one that is not only diverse but also embraces, values, and capitalizes on this rich diversity as a source of strength, innovation, and creativity. It is a place where everyone feels comfortable — that is, free from discrimination and harassment—and where each person is supported to achieve and contribute their best. Given the increasing diversity of the province's labour market, diverse workforces and inclusive work environments have also become a business imperative. It is no longer the "nice thing to do" but has become the "smart thing to do" to attract, retain, and benefit from the best talent representing the rich diversity of the province.

While this is the goal, an inclusive organization does not happen by chance — even in a country that welcomes and champions diversity. Instead, it requires the intentional and persistent effort of the organization. The journey to becoming an inclusive organization must be deliberately begun, boldly led, and constantly nurtured. It requires having courageous conversations and standing firm in the commitment to this work in the face of resistance from staff and the community. It requires the commitment of time, energy, tenacity, and the appropriate financial and human resources. It requires the recognition that the approach must be customized for the organization and the understanding that this is an ongoing organizational journey and not a one-time initiative.

An Increasingly Diverse Region

The DSBN serves a growing and increasingly diverse population of almost half a million residents. As a public school board in Ontario that educates the leaders of tomorrow, it is critical that the DSBN is responsive to its increasingly diverse school communities and ensures that students see themselves reflected at the front of the classroom. As a public institution, the DSBN also has the moral and legal duty to ensure that its hiring practices are non-discriminatory and that its workplaces are inclusive of the rich diversity of the Niagara Region.

Over the past few decades, the population of the Niagara Region has become increasingly diverse. Much of this diversity is driven by immigration. Changes to Canada's immigration policy in the late 1960s removed the preference for European immigrants. This has resulted in a population that is more racially, ethnically, religiously, and linguistically diverse. With an aging population and declining birth rates, Canada's population will become increasingly diverse as the country relies more heavily on immigration for population and labour market growth.

Further, the population and labour market has also been affected by other demographic and social changes, including a growing Indigenous population, increased integration of persons with disabilities in society, and increased social acceptance of and openness from people who belong to the LGBTQ+[1] communities. Canadian society has also shown increased understanding of and discussion about Truth and Reconciliation, social inequality, changes to the family structure, and intergenerational differences, with five generations of Canadians now in the workforce.

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[1] This is a shortened acronym meant to refer to the entire lesbian, gay, bisexual, trans, queer, questioning, intersex, pansexual, two-spirit, asexual communities and their allies, otherwise referred to as LGBTQQIP2SAA.

These demographic and societal changes create a compelling business case for the Board to focus its efforts on creating a more diverse and inclusive organization.

Methodology for this Review

This ESR report is the product of 4 months' work by the consulting team to review and analyze the Board's Human Resources policies and practices as well as employee perceptions and experiences. This ESR aims to identify and make recommendations for the elimination of systemic, cultural, and attitudinal barriers to a diverse workforce, equitable employment policies and practices, and an inclusive working environment.

While the research team was open to exploring any issue of equity that arose in the course of the ESR, the research inquiry was focused on issues affecting the groups that have been identified as experiencing persistent and systemic discrimination in the labour market, namely women, racialized people (visible minorities), Indigenous peoples, persons with disabilities, and those who identify as LGBTQ+ (referred to as the "equity-seeking groups" in this report). While the focus is on these groups, it is important to note that removal of barriers to their hiring, advancement, and full inclusion benefits all employees and offers advantages to the organization as a whole through improved productivity, effectiveness, and responsiveness to the community served.

To conduct this ESR, the team used the methodology provided by the federal government to guide employers that must comply with the requirements of the *Employment Equity Act*. This work includes an assessment of each policy, practice, or system in terms of:

- **Legal compliance** — to ensure compliance with equity-related legislation such as the Ontario *Human Rights Code*, *Occupational Health and Safety Act*, and *Accessibility for Ontarians with Disabilities Act*

- **Consistency** — to ensure that policies and accompanying procedures are applied in a consistent manner throughout the organization

- **Job relatedness** — to ensure they clearly demonstrate a bona fide occupational requirement, are objective, and constitute a business necessity

- **Validity** — to determine whether they objectively predict successful job performance

- **Adverse impact** — to assess whether they have a disproportionately negative effect on employees from the equity-seeking groups

- **Appropriate accommodation** — to assess whether or not there are policies and procedures in place to identify and remove barriers in the workplace that keep qualified

employees from participating in all aspects of employment and provide the accommodation needed by employees, and

- **Inclusive** — to assess whether policies and practices are inclusive of all employees, including those who identify as belonging to the equity-seeking groups.

The ESR blends the collection and analysis of both qualitative and quantitative data. Between January and March 2019, data was collected through the following activities:

- Review of employment policies, written procedures, and related documents

- Review of competition files to assess how policies are implemented and to identify informal practices

- Focus groups, in which 10 employees participated, and

- An online Workplace Equity and Inclusion Survey that was distributed to all staff via email, in which 1,048 staff participated.

In total, about 1,058 employees participated in these consultations, representing approximately 24% of the DSBN's workforce.

While we have conducted a fairly thorough review of the DSBN's employment systems, this review does not purport to be a comprehensive review of all the employment practices used by the hundreds of principals and managers responsible for hiring and managing staff throughout the Board's hundreds of worksites.

Strengths to Build On

This ESR identified a number of organizational strengths on which it can build its workplace equity, diversity, and inclusion efforts.

Human Resources policies and practices: Through the review of the organization's human resources policies and practices, it was evident that the organization has a strong human resources management infrastructure on which it can continue to build its equity, diversity, and inclusion plan and initiatives.

Knowledge and commitment of staff: Throughout our consultations, we engaged with staff who have considerable knowledge about issues of equity and inclusion, and are committed to creating not only inclusive workplaces for themselves, but environments that are more diverse and reflective of the diversity of the student population.

Diversity training conducted to support students: The DSBN has already provided a great deal of training to support Indigenous and LGBTQ+ students and to promote understanding of mental health. This training has helped to increase staff knowledge, which can be used to improve workplace equity.

The Journey Ahead: Key Priority Areas

This review has identified various issues and gaps that fall into three key priority areas. These three areas will form the basis of the Board's Employment Equity Plan.

Priority 1: Educate staff about equity, diversity and inclusion

Throughout the consultations, it became clear that there are significant differences in staff experiences and in their knowledge of and attitudes toward equity, diversity, and inclusion. There are those staff who believe that the Board needs to do much more, and move more quickly, to address issues of equity, diversity, and inclusion. There are also those who have had a very positive experience working with the Board, as such, they don't see the need for any further change. In addition, there are also those who believe that the Board has done a great deal with respect to workplace equity, diversity, and inclusion, and that groups dominant in society (men, White people, Christians in particular) are disadvantaged within the organization.

While it is unclear the extent to which these attitudes exist within the organization, the Board needs to be cognizant of these differing perspectives and the need to educate staff if it is to effect and sustain change. Ongoing education and training will support the ideological shifts and deep understanding needed to sustain organizational change.

Many workplace equity, diversity, and inclusion efforts have been derailed by failing to measure an organization's readiness for change, undertaking too rapid a pace of change, and undertaking initiatives without first ensuring the needed understanding and buy-in from managers, administrators, and employees. Implementing diversity programs without creating a foundation of understanding can create fear and resentment and lead to backlash, which can further marginalize those from the equity-seeking groups.

In addition, education and training is required on topics of accommodation as well as workplace discrimination and harassment prevention, to ensure that employees, managers and administrators understand their roles and responsibilities to meet human rights obligations.

Recommendation 1: It is recommended that in future documents, the DSBN begin to communicate a desire to diversify its workforce to reflect the diversity of its student population.

Recommendation 36: It is recommended that the Board provide appropriate education and training for all managers and administrators about their duty to accommodate persons with disabilities. This training should also help supervisors and administrators understand the range of physical and mental disabilities, both evident and non-evident, for which accommodation may be requested and the types of accommodation that may be provided. Emphasis should be placed on explaining the Board's legal obligations under the Ontario *Human Rights Code*, as well as how accommodation helps get the best from employees, so that accommodation is not seen as special treatment provided to some employees.

Recommendation 37: It is recommended that the Board educate all employees about their rights regarding workplace accommodation and the process of obtaining said accommodation. Emphasis should be placed on explaining the Board's legal obligations under the Ontario *Human Rights Code* as well as how accommodation helps get the best from employees, so that accommodation is not seen as special treatment provided to some employees.

Recommendation 41: It is recommended that the DSBN educate all employees about the legal duty of the Board to provide accommodation to employees based on any human rights protected ground, including religion.

Recommendation 42: It is recommended that the DSBN educate all employees, managers/administrators, and HR staff about the legal duty of the Board to provide accommodation to employees based on any human rights protected ground, including pregnancy and breastfeeding.

Recommendation 44: Recognizing that a great deal of inappropriate behaviours can be stopped and their impact minimized if they are immediately addressed, it is recommended that employees have access to training that provides them with the knowledge and techniques for intervening when they do witness these behaviours.

Recommendation 45: It is recommended that staff be reminded of the procedures and process for making complaints.

Recommendation 46: It is recommended that managers and administrators be reminded through ongoing communication, training, and other means of their duty to foster a respectful work environment, to lead by example, and to act to stop harassment and discrimination when they witness or hear about these behaviours.

Recommendation 47: It is recommended that leaders throughout the organization commit to, and be provided with, adequate supports, including ongoing training, to enable them to demonstrate a greater personal and professional commitment to equity, diversity, and inclusion through behaviours and language that communicate inclusion and respect for all employees.

Recommendation 51: It is recommended that a communications / learning strategy be developed (which may include a newsletter, lunch and learns, and other informal methods of promoting knowledge, resources, tools, and practices, etc.) with the goal of:

- Increasing employee understanding of workplace equity, diversity, and inclusion

- Addressing the facts and myths associated with workplace equity, diversity, and inclusion

- Defining key terms and concepts, and

- Developing and communicating a business case for workplace equity, diversity, and inclusion that links the organization's diversity and inclusion efforts to operational considerations.

Recommendation 52: It is recommended that the Board better support staff to understand the need and rationale for its equity, diversity, and inclusion efforts, including barriers to hiring, advancement, and inclusion in the labour market generally and within the Board more specifically. This should include sharing this report and the resulting action plan with employees and providing regular updates with respect to implementation.

Priority 2: Create a more inclusive and respectful organizational culture
Each person has a unique experience in the organization which depends on a number of factors including their personality, their occupation, the department or school within which they work, and also their identity. While there are many employees who indicated that they feel welcomed and valued at the DSBN, there are also a number of people who shared feeling disrespected, devalued, and marginalized in the workplace. Sometimes, these feelings were connected to the position the person holds, while at other times, these feelings were connected to the person's identity.

As the DSBN advances its workplace equity, diversity, and inclusion efforts, it needs to focus its attention on fostering a more inclusive organizational culture in which all staff feel welcome, safe, and able to contribute their best. Inclusion needs to be not only championed by senior leaders, managers, and administrators, but also modelled in order to create a shift in the organizational culture. In addition, as the DSBN's workplace begins to become increasingly more diversified, it is critical that these staff feel welcomed and included in the workplace, and are supported to be successful.

Recommendation 32: It is recommended that the DSBN ensure that new construction and renovations go beyond the minimum accessibility requirements of the Ontario Building Code and meet its obligations for accessibility mandated by the Ontario *Human Rights Code.*

Recommendation 33: It is recommended that an administrative procedure be developed, noting the responsibilities of staff at various levels of the organization, to support the implementation of the Accessibility Standards for Employment Policy.

Recommendation 34: It is recommended that the Board develop a process, supported by a policy and administrative procedures, to ensure that a plan is developed for all employees who require assistance to evacuate during an emergency.

Recommendation 35: It is recommended that the Board update the Disability Management — Early Intervention, Accommodations, and Return to Work Administrative Procedure to make it consistent with guidelines from the Ontario Human Rights Commission. The policy should clearly state that any reprisal against an employee for requesting or receiving accommodation is a violation of the policy.

Recommendation 38: It is recommended that the DSBN develop a Staff Mental Health and Addictions Strategy, with input from staff through a staff survey. The strategy should address the need to inform managers and administrators of their duty to accommodate per the Ontario *Human Rights Code*, inform employees of their right to accommodation based on any human rights protected ground, explain the process for requesting such accommodation, and address the stigma associated with mental health issues.

Recommendation 39: It is recommended that the Accessibility Committee explore a process and timelines for making staff washrooms gender-neutral.

Recommendation 40: It is recommended that the DSBN develop a mechanism by which staff are able to identify physical barriers, to enable these barriers to be considered among other priorities for renovations.

Recommendation 43: It is recommended that the harassment prevention policies and procedures be updated to address the issues identified to align with the guidelines from the Ontario Human Rights Commission.

Recommendation 48: It is recommended that the Board supports the creation of affinity groups to enable racialized, Indigenous, and LGBTQ+ employees to network and seek support. Further, the Board should use the affinity groups as a valuable resource to continue its work to identify and remove barriers to employment equity, diversity, and inclusion.

Recommendation 49: It is recommended that the Board develop policies and programs to ensure that its work environment is inclusive of employees who are gender non-conforming. As such, the Board should develop policies such as a Transitioning at Work Policy, provide gender-neutral washrooms for staff, and train managers and employees.

Recommendation 50: It is recommended that the Board ensure that it fosters inclusive and safe workplaces that allow employees who identify as LGBTQ+ to bring their full selves to work. While safe space posters have been displayed in schools, these visual displays of positive spaces should be displayed in all workplaces, supported by training for managers and administrators

about their roles and responsibilities to create inclusive and welcoming spaces for all employees.

Priority 3: Embed equity throughout Human Resources policies and practices

While the DSBN has strong Human Resource infrastructure, it can do more to embed equity within these policies and processes to foster more inclusive workplaces and support the hiring, retention, and advancement of a qualified and diverse workforce. It will also help to instill confidence in the organization's hiring and promotion policies and practices. This includes providing appropriate supports and training for those involved in the hiring process so that they are able to recognize and mitigate their biases and understand the value that diversity brings to the workplace.

Recommendation 2: It is recommended that administrative procedures be drafted to accompany the Conflict of Interest Policy containing specifics for how a conflict of interest will be handled and by whom.

Recommendation 3: It is recommended that the Conflict of Interest Policy be updated to specifically identify as a conflict of interest employing direct relatives, individuals who share the same household, or those with whom an employee has a close personal relationship or influencing others to hire such a person.

Recommendation 4: It is recommended that the hiring process require those involved in the hiring process to sign a statement indicating that by participating in the hiring process, they acknowledge that they do not have a conflict of interest.

Recommendation 5: It is recommended that the Conflict of Interest Policy specify that staff and Trustees are not to use their positions of authority to influence hiring decisions, and that doing so would be a conflict of interest.

Recommendation 6: It is recommended that the DSBN develop a Hiring and Selection Policy and Procedure that will provide guidance to all staff involved in the hiring process and clearly state how they are to incorporate equity and diversity into the hiring and selection process, including outreach recruitment, accommodation, training for staff involved in the hiring process, the role of human resources staff, etc.

Recommendation 7: It is recommended that the DSBN develop an equity statement and include it on the Board's website and in each job ad.

Recommendation 8: It is recommended that the Career Opportunities webpage include information to better support job seekers, including information on the recruitment process, interview tips, and information for foreign-trained professionals and teachers in particular.

Recommendation 9: It is recommended that a Hiring and Selection Policy be developed that includes a commitment to do outreach recruitment to diversify the applicant pool.

Recommendation 13: It is recommended that the Accommodation Statement be included on the Board's Career Opportunities webpage.

Recommendation 14: It is recommended that the Accommodation Statement be updated to inform job seekers that accommodation will be provided based on any human rights protected ground.

Recommendation 15: It is recommended that the Hiring and Selection Policy and Procedures be updated to specify the Board's responsibility to provide accommodation based on any human rights protected ground, including disability, religion, and family status.

Recommendation 16: It is recommended that the emails to candidates invited for an interview contain a reminder that they are able to request accommodation, based on any human rights protected ground, and indicate who to contact should accommodation be needed.

Recommendation 17: It is recommended that administrators be provided with sufficient information about their duty to ask about and provide accommodation in the hiring process.

Recommendation 18: It is recommended that FAQs be added to the Career Opportunities webpage to answer questions such as "What is accommodation?" and "Will asking for accommodation affect the Board's hiring decision?" Examples of the types of accommodations that may be provided could be supplied to help job applicants understand whether they should be requesting accommodation.

Recommendation 19: It is recommended that the Board's Police Criminal Record Check - Police Vulnerable Sector Check and Offence Declaration Policy and Administrative Procedure be updated to address the need to protect the privacy of the employee should a positive police records check be received.

Recommendation 20: It is recommended that the DSBN include the need for a police records check on each job ad and that the type of police check required be specified.

Recommendation 21: It is recommended that the DSBN website include information on the need for a criminal record check, when it will be required in the hiring process, how a job candidate would request one, and what the process is should evidence of a police record by confirmed.

Recommendation 22: It is recommended that the DSBN address the retention of competition files in the previously recommended Hiring and Selection Policy and Procedure, including the requirement to retain competition files for 18 months.

Recommendation 23: It is recommended that the Board regularly communicate with employees about the hiring process, including any changes to the process, to strengthen their confidence that the Board has a fair and bias-free process that supports the equitable assessment of candidates from the equity-seeking groups.

Recommendation 24: It is recommended that Human Resources Services serve as a model and leader for the rest of the organization by increasing the diversity of staff within the department.

Recommendation 25: It is recommended that Human Resources provide guidance to those involved in the hiring process to ensure that the schedules allow sufficient time between interviews to discuss and score the candidate.

Recommendation 26: It is recommended that Human Resources provide guidance to those involved in the hiring process not to shake hands at an interview.

Recommendation 27: It is recommended that the Board develop an equity statement that mentions that accommodation will be provided upon request, that is on the Board's Career Opportunities webpage, and consistently included on all job ads.

Recommendation 28: It is recommended that principals be encouraged to informally support staff from equity-seeking groups wishing to advance while the Board also put in place formal supports for these employees.

Recommendation 29: It is recommended that the Board communicate any changes made to the promotion process to all staff to strengthen employee confidence in a fair and bias-free process that supports the equitable success of candidates from the equity-seeking groups.

Recommendation 30: It is recommended that the Board develop clear guidelines for regarding the extension of the appointment of teachers to central positions to ensuring consistency and transparency.

Recommendation 31: It is recommended that the Board annually review its promotion process and the demographic data on who is applying and who is successful to identify whether potential barriers to advancement exist for particular groups and examining how the process could be improved.

Priority 4: Diversify the workforce at all levels

The extent to which the diversity of the DSBN workplace reflects the community served will be examined in the Workforce Census which will occur during the 2019-2020 school year. While employees currently do not have data on the diversity of the DSBN workforce, throughout the focus groups and online survey they shared their perception that the DSBN workforce lacks visible diversity. The review of the Board's employment practices highlighted a number of opportunities to diversify the workforce to better reflect the school community.

Recommendation 10: It is recommended that the Board engage in targeted outreach recruitment to attract teacher applicants from more diverse backgrounds.

Recommendation 11: It is recommended that the Board use its position to influence faculties of education to increase the racial diversity of their graduates.

Recommendation 12: It is recommended that the Board promote teaching as a profession to students from diverse backgrounds, communities, and identities.

Additional recommendations

In addition, the following recommendations were made to support the Board to continue its workplace equity, diversity, and inclusion efforts.

Recommendation 53: It is recommended that appropriate financial and human resources be allocated to implementing the Employment Equity Plan and leading the Board's workplace equity efforts.

Recommendation 54: It is recommended that the Board conduct another ESR and Workforce Census in 5 years to assess progress and develop a new Employment Equity Plan.

PART A: INTRODUCTION

1.   The District School Board of Niagara

Through its mission statement, the District School Board of Niagara (the DSBN, the Board) commits to "student success by working together to inspire, empower, and support all learners to achieve their full potential." The DSBN believes that every employee is entitled to a working environment that respects who they are and values their contributions to the success of the organization. To ensure that everyone has an equitable opportunity to become successful, the Board has gone beyond this statement of belief to gather evidence of how well it is cultivating a welcoming and inclusive work culture.

As such, the DSBN contracted with Turner Consulting Group Inc. to undertake an Equity Audit to examine how the Board supports equity, diversity, and inclusion in the workplace.

The audit will be completed over the next 3 years and consists of:

An Employment Systems Review (2018–2019 School Year)
The Employment Systems Review (ESR) is an examination of Human Resources policies and practices as well as the corporate culture from an equity point of view.

A Workforce Census (2019–2020 School Year)
The Workforce Census is a demographic survey of all staff that will give the DSBN a better understanding of its workforce.

Results of the Employment Systems Review and the Census will be used to develop an Employment Equity Plan to foster further equity and inclusion across the system.

A Student Census (2020–2021 School Year)
This will be a demographic survey of DSBN students. It will provide a better picture of the communities served and identify areas of need that require further support.

This Equity Audit is a key part of the Board's ongoing commitment to providing safe, equitable, and inclusive environments for all students and employees. The Employment Equity Plan — the final product of the Employment Equity Audit — will not only help to ensure that Board employees better reflect the diverse school population but will also demonstrate how the Board is taking meaningful action to foster inclusive working and learning environments.

2. Overview of an Employment Systems Review

2.1 The purpose of an Employment Systems Review

An ESR is a comprehensive review of written and unwritten, formal and informal employment policies, practices, and procedures. It provides an organization with information on what is working well and what requires improvement, so that it can build on its strengths and address areas of concern. The ultimate goal is to identify and make recommendations for the removal of institutional, cultural, and attitudinal barriers to equitable policies and practices, a diverse workforce, and an inclusive work environment.

2.2 What are barriers?

Barriers are formal or informal policies, practices, and procedures that operate either by themselves or together to restrict or exclude groups of employees from entry into, advancement in, and full participation within an organization. Although any employee can be unsuccessful in the employment process for a variety of reasons, certain groups (women, racialized people,[2] Indigenous people, and persons with disabilities) have faced persistent and systemic barriers to gaining employment commensurate with their education, skills, and experience, as well as advancement and full inclusion in the workplace.[3] As such, these groups have been identified as the focus of the federal *Employment Equity Act*. In addition, the DSBN has also included those who identify as LGBTQ+[4] as part of this ESR because of the evidence that this group also faces discrimination in the labour market and harassment on the job.[5] These five groups are referred to as the "equity-seeking groups" throughout this report.

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[2] The term "racialized" is used throughout this report to replace the term "visible minority" used by Statistics Canada. This definition includes those who self-identify as non-White and non-Indigenous, including South Asian, Chinese, Black, Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean, Japanese, as well as those who identify as biracial.

[3] See Equality in Employment: A Royal Commission Report by Judge Rosalie Abella. Released in 1984, this landmark report recommended enactment of employment equity as a government intervention to address the magnitude of systemic discrimination faced by the equity-seeking groups.

[4] This is a shortened acronym that incorporates anatomical sex, sexual orientation, and gender identity, and is meant to refer to the entire lesbian, gay, bisexual, trans, queer, questioning, intersex, pansexual, two-spirit, asexual communities and their allies, otherwise referred to as LGBTQQIP2SAA.

[5] See for example:

The Canadian Press. (2014, September 1). Transgender unemployment is a result of discrimination, advocate says. CBC News. Retrieved from http://www.cbc.ca/news/canada/toronto/transgender-unemployment-is-a-result-of-discrimination-advocate-says-1.2752459

Serebrin, J. (2018, May 15). Survey reveals Canada still has a ways to go on workplace discrimination. *The Globe and Mail*. Retrieved from https://www.theglobeandmail.com/report-on-business/careers/the-future-of-work/survey-reveals-canada-still-has-a-ways-to-go-on-workplace-discrimination/article27006279/

While the focus is on these five groups, issues that affect other groups — such as those from non-Christian faith systems, newcomers, and those from lower socioeconomic backgrounds — will be noted in this report.

Further, while the aim of an ESR is to identify and remove barriers to the equity-seeking groups, the removal of employment barriers benefits all employees and offers advantages to the organization as a whole through improved productivity, effectiveness, and responsiveness to the community served and improved outcomes for students.

Generally, barriers fall into three categories: institutional, cultural, and attitudinal. Each type of barrier can also be systemic in that it may be embedded into the practices of the organization. These barriers are also interrelated and can reinforce each other.

Institutional Barriers
Institutional barriers are embedded in the policies and practices of an organization. They arise from the use of hiring criteria that are not job related or are not required for the safe and efficient operation of the organization. Institutional barriers might have evolved from historical practices (i.e., the way the organization has always done things) that possibly exclude members of the equity-seeking groups or place them at a disadvantage in accessing job opportunities. On the surface, the policies and practices may appear to be neutral or even reasonable. They may also result from unconscious biases on the part of decision-makers. In practice, they may have a negative impact on members of certain groups.

Examples of institutional barriers that members of the equity-seeking groups face in the labour market include:

- Staffing through personal networks. This process could prevent individuals from the equity-seeking group from hearing about and applying for job vacancies, and

- Informal mentoring and networking that supports the advancement of some groups and disadvantages employees from the equity-seeking groups.

Cultural Barriers
Barriers can also be created by an organizational culture that isolates and alienates members of the equity-seeking groups, sometimes unknowingly, and one in which stereotypes and preconceived notions about these groups persist and inform decision-making. This isolation could then confirm pre-existing biases and ultimately reinforce the underrepresentation of these groups in the organization.

Examples of cultural barriers that the equity-seeking groups face in the labour market include:

- An unwelcoming work environment that excludes or undermines the success of people from the equity-seeking groups

- Assumptions that permeate the organization about what certain groups of people can and cannot do and which occupations they are suited for, and

- A "macho" culture that excludes women from male-dominated occupations or positions of leadership.[6]

Attitudinal Barriers

Attitudinal barriers result from the attitudes and behaviours of individuals. They can arise from unconscious biases, inaccurate assumptions and stereotypes, as well as an individual's actual intent to be discriminatory.

Examples of attitudinal barriers that the equity-seeking groups face in the labour market include:

- Not hiring a young woman for a job because the manager thinks she may get pregnant and go on maternity leave shortly after being hired[7]

- Removing résumés or applications from individuals with "ethnic"- or Indigenous-sounding names because of stereotypes about these groups,[8] and

- Not hiring a candidate with a disability because of discomfort interacting with persons with disabilities or assumptions that accommodation may be too costly.[9]

Cultural and attitudinal barriers are not found in the written policies or procedures of the organization, and in fact may not be consistent with the organization's stated policies.

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[6] See for example:

Spector, B. (2017, June 5). Why macho culture is bad for business. PBS News. Retrieved from https://www.pbs.org/newshour/economy/column-macho-culture-bad-business

Wilkie, D. (2015, September 16). Tackling a 'macho' mentality at work. Society for Human Resource Management. Retrieved from https://www.shrm.org/ResourcesAndTools/hr-topics/behavioral-competencies/global-and-cultural-effectiveness/Pages/macho-workplaces.aspx

[7] See for example: *The Guardian*. (2014, August 12). 40% of managers avoid hiring younger women to get around maternity leave. Retrieved from https://www.theguardian.com/money/2014/aug/12/managers-avoid-hiring-younger-women-maternity-leave

[8] See for example: Oreopoulos, P. & Dechief, D. (2012, February). Why do some employers prefer to interview Matthew, but not Samir? New Evidence from Toronto, Montreal, and Vancouver. Canadian Labour Market and Skills Researcher Network. Working Paper No. 95. Retrieved from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2018047

[9] See for example: Kaye, H & Jones, E. & Jans, L. (2010). Why employers don't hire people with disabilities: Research findings and policy implications. Disability and Health Journal. 3. 10.1016/j.dhjo.2009.08.086.

2.3   The benefits of an Employment Systems Review

The ultimate goal of this ESR was to allow the DSBN to develop and implement strategies to remove barriers to the hiring and advancement of members of the equity-seeking groups. While the focus of this ESR is on the five equity-seeking groups, all employees will benefit from the removal of barriers and the creation of a more inclusive organization.

In addition, there is a growing body of literature that makes a compelling business case for developing and supporting a diverse workforce and inclusive work environment. The literature identifies a number of benefits, including:

Increased student success and well-being.[10] A diverse workforce helps the DSBN understand and respond to the needs of an increasingly diverse student population in three areas:

- At the *strategy level,* where strategic decisions about policies are made
- At the *design level,* where decisions about policies, curriculum, and instructional practice are made, and
- At the *service level*, which is the point of contact between the DSBN and students, their parents, and the community.

More inclusive and responsive policies, programs, and practices not only support student academic success but also their social and emotional well-being.

In addition, the research shows that student success and outcomes such as well-being, test scores, attendance, and suspension rates are improved when students see themselves reflected in their school materials and their school environments.

Strengthened confidence in public education. When school board staff reflect, understand, and are responsive to the needs of students, their parents, and the community, public confidence in Ontario's public education system increases. As noted in Ontario's Equity and

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[10] See for example:

Cherng, H. S., & Halpin, P. F. (2016). The Importance of Minority Teachers: Student Perceptions of Minority Versus White Teachers. *Educational Researcher, 45*(7), 407–420.

Gershenson, S., Hart, C.M.D., Lindsay, C.A., & Papegeorge, N.W. (2017, March). The long-run impact of same-race teachers. IZA Institute of Labor Economics.

Stuart Wells, A., Fox, L., & Cordova-Cobo, D. (2016, February 9). How racially diverse schools and classrooms can benefit all students. The Century Foundation. Retrieved from https://tcf.org/content/report/how-racially-diverse-schools-and-classrooms-can-benefit-all-students/

Inclusive Education Strategy, an equitable, inclusive education system is fundamental to achieving the priorities of high levels of student achievement, reduced gaps in student achievement, and increased public confidence in publicly funded education. Further, an equitable and inclusive education system is recognized internationally as critical to delivering a high-quality education for all learners.[11]

Strengthened employee relations and confidence in the DSBN as an employer of choice. Formalized non-discriminatory and inclusive human resources policies and practices, increased transparency, and consistency of human resources practices also serves to strengthen employees' confidence that they are being treated in a fair and equitable manner. These practices, along with a welcoming and inclusive work environment, help to improve employee morale and loyalty and reduce complaints, grievances, and turnover.

Improved corporate image of the DSBN as an employer of choice. Employers that are known to have a commitment to diversity and inclusion are more likely to be positively regarded by the public in general and by prospective employees in particular. This positive corporate image then increases the organization's ability to attract and retain high-calibre employees from diverse communities, backgrounds, and identities.

Improved staff job satisfaction and productivity.[12] Employers that create and support a work environment in which all employees feel valued and safe from harassment and where employees are treated fairly and with respect are typically rewarded with increased morale, better performance, and higher productivity.

Increased creativity and innovation.[13] Organizations that encourage and support workplace inclusion are better able to attract and retain top talent from various ethno-racial communities

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[11] United Nations Educational, Scientific and Cultural Organization (UNESCO). (2008). Inclusive education: The way of the future. UNESCO International Conference on Education, November 25–28. Geneva: Author.

[12] Stazyk, E. C., Davis, R. S., & Liang, J. (2012). Examining the links between workforce diversity, organizational goal clarity, and job satisfaction. Prepared for the 2012 Annual Meeting and Exhibition of the American Political Science Association, New Orleans, LA (August 30-September 2, 2012). Retrieved from https://www.bc.edu/content/dam/files/centers/cwf/individuals/pdf/DiversityClarityandSatisfaction.pdf

[13] See for example:

McKinsey & Company. (2015). Women in the workplace. Retrieved from https://womenintheworkplace.com/

Reynolds, A. & Lewis, D. (2017, March 30). Teams solve problems faster when they're more cognitively diverse. Harvard Business Review. Retrieved from https://hbr.org/2017/03/teams-solve-problems-faster-when-theyre-more-cognitively-diverse

as well as people of all ages, sexes, abilities, and sexual and gender identities. This increases the diversity of perspectives, approaches, knowledge, and skills within the organization, which can then boost the organization's creativity, innovation, and overall success.

3. Methodology

3.1 Working Group

A staff Working Group was convened to provide input into the ESR methodology, offer further insights into the issues identified, and review the draft ESR report. The Working Group included staff working in Human Resources, IT, communications, facilities, as well as administrators, teachers, and consultants.

3.2 Employment Systems Review framework

When conducting this work, we relied on the Canadian Human Rights Commission's Framework for Compliance with the *Employment Equity Act*, as this document outlines the legal framework and assessment factors related to the ESR, as well as the general approach to be taken by employers.[14] This framework includes an examination of each employment policy, practice, and system as well as the corporate culture and work environment to determine whether they present a barrier to prospective and existing employees from the equity-seeking groups.

While the ESR team was open to exploring any issue of equity that arose in the course of this review, the research inquiry was focused on issues affecting the equity-seeking groups, namely women, racialized people, Indigenous people, persons with disabilities, and those who identify as LGBTQ+.

The review includes an assessment of each policy or practice in terms of:

- **Legal compliance** — to ensure compliance with equity-related legislation such as the Ontario *Human Rights Code*, *Occupational Health and Safety Act*, and *Accessibility for Ontarians with Disabilities Act*

- **Consistency** — to ensure that policies and accompanying procedures are applied in a consistent manner throughout the organization

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Rigger, D. (2018, March 12). How a diverse workforce can be your competitive advantage. Human Resource Director Australia. Retrieved from www.hcamag.com/opinion/how-a-diverse-workforce-can-be-your-competitive-advantage-247585.aspx

[14] Canadian Human Rights Commission. (2002, December). Employment Systems Review: Guide to the audit process. Retrieved from http://publications.gc.ca/collections/collection_2007/chrc-ccdp/HR4-3-2002E.pdf

- **Job relatedness** — to ensure they clearly demonstrate a bona fide occupational requirement, are objective, and constitute a business necessity

- **Validity** — to determine whether they objectively predict successful job performance

- **Adverse impact** — to assess whether they have a disproportionately negative effect on employees from the equity-seeking groups

- **Appropriate accommodation** — to assess whether or not there are policies and procedures in place to identify and remove barriers in the workplace that keep qualified employees from participating in all aspects of employment and provide the accommodation needed by employees, and

- **Inclusive** — to assess whether policies and practices are inclusive of all employees, including those who identify as belonging to the equity-seeking groups.

This review also explored whether or not there are gaps in the organization's policies or practices that would support the creation of more equitable hiring and promotion practices, greater workforce diverse reflective of the community served, and a more inclusive organizational culture.

3.3   The employment systems reviewed

This ESR reviewed the following employment systems:

- **Recruitment, hiring, and selection,** including outreach recruitment, job applications, notification and provision of accommodation during the hiring process, fair and consistent application of selection criteria, interview process, and interview questions

- **Orientation and training,** including orientation that helps integrate new employees and provides access to training at the onboarding stage and subsequent to hiring

- **Development and advancement,** including access to career development, informal mentoring and coaching, and the vice-principal and principal promotion process

- **Working conditions,** including timely addressing of accommodation requests, a work environment that is free from discrimination and harassment, and a process to address discrimination and harassment when they do occur, and

- **Attitudes and corporate culture,** including working relationships and perceptions of the organization's commitment to workplace equity, diversity, and inclusion.

3.4   Data collection methods

A number of methods were used in this ESR to determine what effect, if any, the organization's policies and practices may have on employees from the equity-seeking groups, including:

Document review

Human resources policies, written procedures, and other related documents were reviewed to identify potential barriers in employment policies as well as barriers created by the manner in which these policies are applied by managers and human resources staff.

A list of the policies and documents reviewed is included in Appendix A.

Competition file review

Competition files are intended to be a record of the hiring and selection process. Competition files were randomly selected and reviewed to determine whether staffing policies and practices are being applied in a fair and consistent manner. These included competitions for support staff positions with one vacancy and competitions seeking to hire multiple teachers and other classroom staff. The files for the promotion processes for vice-principals and principals were also reviewed.

Typically, a file is kept for each competition and includes information such as:

- Job description and job ad
- Selection criteria
- Interview questions and candidate responses
- Reference check information

- Names of interview panel members and reports
- Interview schedule
- Rating and ranking materials
- Sufficient information to explain the assessment of each applicant, including screening, rating, and ranking steps

Consultations with employees

An essential component of an ESR is consultation with employees. Employees' perceptions of what happens in the organization are a critical source of information. Their observations act as a window into whether employment systems are fair, or perceived to be fair, and identify how management practices might differ from organizational policies. Consultations with staff were conducted through various methods and offered all employees multiple opportunities to provide input into this ESR.

In total, about 1,058 employees participated in these consultations, representing approximately 23% of the full-time DSBN workforce of 4,500. This level of participation gives us sufficient data to identify workplace issues and make recommendations for change. However, it did not allow

us to identify all issues in all work locations of such a large and geographically dispersed organization.

Consultations were held with employees through focus groups and an online survey. In addition, senior leaders and bargaining unit representatives provided input through one-on-one interviews.

Focus Groups: A total of 21 focus groups were scheduled, affording various groups of employees the opportunity to provide input into this ESR, with each focus group allowing up to 15 participants. Focus groups were set up by both identity group and occupational group, with racialized people, Indigenous people, persons with disabilities, LGBTQ+, women who don't belong to any other group, and men who don't belong to any other group in the following occupational categories:

- Academic staff: Staff who influence learning, including teachers, EAs, DECEs, social workers, psychologists, continuing education instructors, etc.

- Non-academic staff: secretaries, caretakers, maintenance, as well as ED Centre staff

- Managers and administrators: vice-principals, principals, managers, and supervisors.

Emails were sent out to employees asking them to register with the consultant to participate in the focus groups. Posters about the Equity Audit were also distributed to each worksite to inform staff about the ESR and to invite their participation. Both the emails and posters asked staff to go to the Equity Audit website for more information, to register for a focus group, and to access the online survey.

The discussions covered various aspects of employment practices and the working environment, what impact they might have on employees, barriers created by organizational culture and individual attitudes, and strategies to remove these barriers.

In total, only 10 employees participated in the focus groups that were held from February 19 to March 4, 2019. Many focus groups were cancelled because of no registration.

Information from the focus groups is summarized in this report. To maintain confidentiality and protect the privacy of the employees who participated in the focus groups, no names or identifying information are included in this report.

Workplace Equity and Inclusion Survey: The link to the online survey was distributed to all employees by email. Information was also included on posters to ensure that those who do not

access email regularly were also informed about the survey and had the opportunity to complete it.

In total, 1,048 employees completed the online survey by the cut-off date.

4.   Limitations and Constraints

While we have conducted a fairly thorough review of the DSBN's employment systems for both academic and business staff, this review does not purport to be a comprehensive review of all the employment practices used by the hundreds of principals and managers responsible for hiring and managing staff throughout the Board's hundreds of worksites. As such, it is important to identify the limitations and constraints of this review.

For academic staff, the focus of this review was on the hiring of new staff and their promotion to principal and vice-principal. As such, we did not examine the teacher transfer process. In addition, the hiring and/or promotion of employees into superintendent positions was also beyond the scope of this project.

The consultant also did not review the hiring methods and management practices employed by each manager and supervisor in the DSBN, or the work environment of each of the hundreds of workplaces throughout the Board. Rather, the comments and findings refer to the system as a whole, and the comments provided by employees are used as indicators of issues that need to be addressed at the corporate level.

PART B: THE CONTEXT

5. The Demographic Context

A number of demographic and social trends are impacting the diversity of both the province and Niagara Region. These trends are also shaping the issues of workplace equity, diversity, and inclusion that organizations within the region are challenged to address.

DSBN serves a growing and increasingly diverse population of almost 500,000 residents. As a public school board in Ontario that educates the citizens and leaders of tomorrow, it is important that DSBN be responsive to its increasingly diverse school communities. As a public institution, the DSBN also has the moral and legal duty to ensure that its hiring practices are non-discriminatory and that its workplaces are inclusive and free from harassment. While the diversity of the province and Niagara Region has long been touted as a strength, organizations are challenged to also focus on equity and inclusion to ensure that their workforce reflects and benefits from this diversity.

This section briefly explores the changing diversity of Niagara Region. DSBN should be cognizant of these trends to become a truly diverse, equitable, and inclusive organization.

Older workers

Born between 1946 and 1965, the Baby Boom generation comprises about one-third of Canada's population. People in this generation are now between ages 54 and 73, and the last of the Baby Boomers will turn 65 in the year 2031. The aging of such a large segment of the population is increasing the average age of the province, making seniors the fastest-growing age group. Statistics Canada recently reported that for the first time, on July 2, 2015, the number of Canadians over age 65 outnumbered children under age 15.[15] While the population has been aging, Canada's fertility rate has also been steadily declining since 2009, falling to an average of 1.54 children per woman in 2016.

This trend is also reflected in Niagara Region. The 2016 Census counted 95,845 seniors (65 years and over) in Niagara Region, an increase of almost 17,785 people, or 18%, between 2011 and 2016. The share of the senior population in Niagara Region accounted for 21% of the total population in 2016, up from 19% in 2011. During this period, the number of children aged 0 to 14 years remained at 66,760. Despite no change in number, the proportion of children in Niagara Region aged 0 to 14 years went down slightly, from 16% of the population in 2011 to 15% in 2016.

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[15] Statistics Canada. (2015, September 29). Canada's population estimates: Age and sex, July 1, 2015. Retrieved from http://www.statcan.gc.ca/daily-quotidien/150929/dq150929b-eng.htm

Increased reliance on immigration for population and labour market growth

Because of the aging Baby Boom generation and the declining fertility rate, the population will be unable to replace itself, and Canada will therefore need to rely more heavily on immigration for population and labour market growth. Statistics Canada estimates that around the year 2030, deaths will outnumber births and Canada will be completely reliant on immigration for population growth.[16]

In response to this demographic reality, the country's immigration targets have continued to increase. Immigration targets ranged from 240,000 to 265,000 between 2007 and 2011. The annual immigration target has progressively increased over the years, reaching 300,000 in 2017.[17] The federal government's multi-year plan for immigration projects national targets of 310,000 in 2018, 330,000 in 2019, and 340,000 in 2020.[18]

In 2016, 17% of Niagara Region's population was born outside of Canada. Between 2011 and 2016, the region had 5,145 newcomers, who accounted for 34% of the net population increase during this time.

Diverse immigrant population

Canada's reliance on immigration for population and labour market growth means that the country will become increasingly racially, ethnically, linguistically, culturally, and religiously diverse.

In the 1960s, Canada removed its race-based restrictions on immigration, rules that had limited the number of racialized immigrants the country was willing to receive. In the late 1960s, the federal government introduced the point-based system, which selected newcomers based on a number of factors, including education, profession, and official language ability. This allowed newcomers to migrate to Canada in greater numbers from diverse racial, ethnic, linguistic, and religious backgrounds. Since the 1980s the vast majority of new immigrants to Canada have come from countries outside of Europe. While Canada received immigrants from 200 source

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[16] Statistics Canada. (2008, January 25). Components of population growth. Retrieved from http://www.statcan.gc.ca/pub/91-003-x/2007001/4129903-eng.htm

[17] Schnurr, L. (2016, October 31). Canada holds 2017 immigration target at 300,000 people. Reuters. Retrieved from https://www.reuters.com/article/canada-immigration/update-1-canada-holds-2017-immigration-target-at-300000-people-idUSL1N1D11PA

[18] Government of Canada. (2017, November 1). Supplementary Information 2018-2020 Immigration Levels Plan. Retrieved from https://www.canada.ca/en/immigration-refugees-citizenship/news/notices/supplementary-immigration-levels-2018.html

countries in 2015, 62% came from 10 source countries: the Philippines, India, China, Iran, Pakistan, Syria, the United States, France, the United Kingdom, and Nigeria.[19]

The 2016 census data highlights the dramatic demographic changes that the province and Niagara Region have undergone:[20]

- 1.2 million immigrants arrived in Canada between 2011 and 2016, with about 40% of these newcomers (472,170) settling in Ontario

- 5,145 immigrants settled in Niagara Region between 2011 and 2016

- The top countries of origin for newcomers (arriving between 2011 and 2016) in Niagara Region are Philippines (650), China (550), United States (430), India (415), United Kingdom (235), Columbia (195), Pakistan (180), Jamaica (175), Mexico (150), Syria (100), and South Korea (100).

Growing racialized population (visible minorities)
Fuelled largely by immigration, Ontario's racialized population is growing at a faster rate than the provincial population and comprises an increasing proportion of the provincial population. So, too, is the racialized population in Niagara Region.

Table 1. Rate of Population Growth, Racialized and Total Population (2006–2016)					
	Racialized Population			**Total Population**	
Year	**#**	**% of Population**	**Rate of Growth Since 2006**	**#**	**Rate of Growth Since 2006**
ONTARIO					
2006	2,745,200	21.3%	—	12,851,821	—
2016	3,885,585	28.9%	41.5%	13,448,494	4.6%
NIAGARA REGION					
2006	26,405	6.3%	—	427,421	—
2016	38,810	8.9%	47.0%	447,888	4.8%
Source: Statistics Canada, Census of Canada, 2006, 2016.					

As Table 1 shows, between 2006 and 2016 the racialized population in Ontario grew by 42% (from 2,745,200 to 3,885,585), while the population of the province grew by only 5% (from 12,851,821 to 13,448,494). As such, the racialized population increased from 21% of Ontario's population in 2006 to 29% of the provincial population in 2016.

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[19] Statistics Canada. (2017, February 8). Census Profile, 2016 Census. Retrieved from http://www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/index.cfm?Lang=E

[20] Statistics Canada. (2017, February 8). Census Profile, 2016. Retrieved from http://www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/index.cfm?Lang=E

The changes are similar to those experienced in Niagara Region. As the table shows, between 2006 and 2016 the racialized population in Niagara Region grew by 47% (from 26,405 to 38,810), while the population of Niagara Region grew by 5% (from 427,421 to 447,888). As such, the racialized population increased from 6% of the population in 2006 to 9% of the Niagara Region population in 2016.

Of the 38,810 residents in Niagara Region who identified as a member of a racialized group, the majority were Black (7,970), South Asian (6,170), and Chinese (6,055).

Statistics Canada projects that the racialized population will continue to grow at a faster rate than the general population, resulting in racialized people representing a larger proportion of the population over the coming years. While the growth of the racialized population will be fueled largely by immigration, a growing proportion of racialized people are Canadian-born. In 2011, about 31% of racialized people in Canada were born here.[21]

Statistics Canada projections show that the provincial population will approach 18 million by 2036, with the racialized population increasing to 48% of the population.[22] Other projections by Statistics Canada show that by 2031 St. Catharines–Niagara could grow to a population of 410,000, with 54,000 people (13%) being racialized.[23]

Growing Indigenous population
The Indigenous population is also growing at a faster rate than the provincial population overall, largely because of a higher fertility rate, and is increasingly urbanized. Statistics Canada notes that the Indigenous population is the fastest-growing segment of the Canadian population and has a younger age profile than the non-Indigenous population. This younger age profile means that in Ontario in 2016, children made up a larger proportion of the Indigenous population than the non-Indigenous population. While children aged 14 and under make up 17% of the non-Indigenous population, children make up 28% of the Indigenous population. In addition, there are more than 254,515 Indigenous youth aged 15 to 24, representing 18% of the total Indigenous population. By comparison, youth make up 13% of the non-Indigenous

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[21] Statistics Canada. (2016, September 15). Immigration and Ethnocultural Diversity in Canada. Retrieved from https://www12.statcan.gc.ca/nhs-enm/2011/as-sa/99-010-x/99-010-x2011001-eng.cfm

[22] Statistics Canada. (2017, January 25). Immigration and Diversity: Population Projections for Canada and its Regions, 2011 to 2036. Retrieved from https://www.statcan.gc.ca/pub/91-551-x/91-551-x2017001-eng.htm

[23] Statistics Canada. (2015, November 30). Projections of the Diversity of the Canadian Population. 2006 to 2031. Retrieved from https://www.statcan.gc.ca/pub/91-551-x/91-551-x2010001-eng.htm

population.[24] In total, children and youth (aged 24 and under) make up 30% of the non-Indigenous population and represent almost half (46%) of the Indigenous population.

Table 2. Rate of Population Growth, Indigenous and Total Population (2006–2016)					
	Indigenous Population			Total Population	
Year	#	% of Population	Rate of Growth Since 2006	#	Rate of Growth Since 2006
ONTARIO					
2006	242,490	1.9%	—	12,851,821	—
2016	374,395	2.8%	54.4%	13,448,494	4.6%
NIAGARA REGION					
2006	6,930	1.6%	—	427,421	—
2016	12,250	1.8%	76.8%	447,888	4.8%
Source: Statistics Canada, Census of Canada, 2006, 2016					

The 2016 Census enumerated 374,395 Indigenous people in Ontario, representing 2.9% of the provincial population. This is the largest number of Indigenous people in any province or territory, representing 22% of Canada's total Indigenous population.

As Table 2 shows, Ontario's Indigenous population grew by 54% between 2006 and 2016 (from 242,490 to 374,395), increasing to 2.8% of the provincial population in 2016. During that period, the population of the province grew by 5%. Similarly, the Indigenous population in Niagara Region grew by 77% between 2006 and 2016 (from 6,930 to 12,250), while the overall population of Niagara Region grew by 5%.

Persons with disabilities
The 2012 Canadian Survey on Disability is a national survey of Canadians aged 15 and over whose everyday activities are limited because of a long-term condition or health-related problem. This survey found that:[25]

- 15.4% of the Ontario population aged 15 and over reported having a disability

- 11.4% of the Ontario labour force (aged 15 to 64) reported having a disability, and

- 8% of the Ontario labour force reported having a moderate, severe, or very severe disability.

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[24] Statistics Canada. (2016, September 15). Aboriginal Peoples in Canada: First Nations People, Métis and Inuit. Retrieved from https://www12.statcan.gc.ca/nhs-enm/2011/as-sa/99-011-x/99-011-x2011001-eng.cfm

[25] Statistics Canada. Canadian Survey on Disability. 2012

The analysis of the data suggests that one factor contributing to the increase in the number of persons with physical disabilities is the aging of the population. Because the prevalence of most types of disabilities increases with age (particularly physical disabilities), an aging population will result in a higher overall disability rate. As such, we can expect to see disability rates increase as the Baby Boom generation grows older. This trend means that more employees will require accommodation from their employer to remain productive in their jobs.

Further, the prevalence of mental illness has been increasing. One study estimates that in any given year, 1 in 5 Canadians will experience a mental health or addiction problem.[26] While the stigma associated with mental illness has been diminishing over the years, significant stigma remains. Canadians are more reluctant to tell friends or coworkers that they have a family member with a mental illness (just 50%) than they are sharing a diagnosis of cancer (72%).[27]

Persons with disabilities have long experienced patterns of exclusion from all aspects of society, including education, housing, transportation, and employment. Although some may have a physical or functional limitation, this challenge may not necessarily interfere with their ability to do a particular job or to deliver top-quality performance. It does mean that certain kinds of accommodation may have to be made to enable people with disabilities to function to the best of their ability.

As persons with disabilities continue to become more fully integrated into society and educational institutions, more will also be entering the labour market. As such, more employers will need to consider accommodation beginning at the hiring stage and throughout the employee's work life.

Although the Ontario *Human Rights Code* provides for equal rights and opportunities and prohibits discrimination on the basis of disability (and other protected grounds), systemic barriers in organizations persist, preventing people with disabilities from fully participating in many areas of life, including education and employment. As a result, the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) was passed to achieve accessibility for all Ontarians with disabilities on or before January 1, 2025, through the development, implementation, and enforcement of accessibility standards in key areas.

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[26] Smetanin, P., Stiff, D., Briante, C., Adair, C.E., Ahmad, S. & Khan, M. (2011). The Life and Economic Impact of Major Mental Illnesses in Canada: 2011 to 2041. RiskAnalytica, on behalf of the Mental Health Commission of Canada.

[27] Canadian Medical Association. (2008). 8th annual National Report Card on Health Care. Retrieved from https://www.cma.ca/multimedia/CMA/Content_Images/Inside_cma/Annual_Meeting/2008/GC_Bulletin/National_Report _Card_EN.pdf

Increased social acceptance of, and openness from, people who identify as LGBTQ+

Questions about sexual orientation and gender identity are not included on the Canadian Census. As such, we do not have a complete picture of the size of the LGBTQ+ community. One estimate of the size of the LGBTQ+ population comes from the 2014 Canadian Community Health Survey, the first Statistics Canada survey to include a question on sexual orientation. In total, 3% of Canadians aged 18 to 59 self-identified as gay, lesbian, or bisexual — 1.7% self-identified as gay or lesbian and 1.3% as bisexual.[28]

Another estimate of the size of the LGBTQ+ population comes from a 2012 Forum Research poll, which found that 5% of Canadians aged 18 and over identify as lesbian, gay, bisexual, or transgender.[29]

In 2005, same-sex marriage was legalized in Canada. In 2012, gender identity and gender expression were added as protected grounds to the Ontario *Human Rights Code*. These legal protections and greater social inclusion have resulted in more adults being open about their sexual orientation and gender identity, while children and youth are being increasingly open about their sexual orientation and gender identity at younger ages.[30]

With a greater acceptance of lesbian, gay, bisexual, and transgender individuals in Canadian society, there is a greater openness among LGBTQ+ employees in the workplace. However, not all workplaces and managers are as accepting of LGBTQ+ employees, which sometimes results in discrimination and marginalization in the workplace. Some people who identify as LGBTQ+ report having to remain "in the closet" to maintain positive relationships with their managers and colleagues, protect their jobs, and protect their opportunities for advancement.

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[28] Statistics Canada. Canadian Community Health Survey, 2014.

[29] Blaze Carlson, K. (2012, July 6). The true north LGBT: New poll reveals landscape of gay Canada. *National Post*. Retrieved from http://nationalpost.com/news/canada/the-true-north-lgbt-new-poll-reveals-landscape-of-gay-canada

[30] CBC News. (2016, October 25). Transgender kids coming out younger, experts say after judges ordered 4-year-old to dress like a boy. Retrieved from http://www.cbc.ca/news/canada/calgary/trans-coming-out-earlier-1.3820013

6. The Organizational Context

The organization

The DSBN operates within a particular context that is important to understand and consider when drawing conclusions and considering action to address the issues identified in this report. Analyzing this context also allows us to gain insight into the opportunities and threats at play in the context within which the DSBN operates.

The Niagara Region is comprised of 12 municipalities covering 1,850 square kilometres and a population of 447,888. Each municipality is unique, differing in size and diversity, with a mixture of urban, suburban, and rural communities. Growth in the region has increased, from 3.8% between 2011 and 2016; up from 0.9% between 2006 and 2011. The province forecasts that the Niagara Region will grow to 610,000 by 2041.[31]

The increase in the growth of the region's population has reversed a decline in enrolment in the DSBN experienced since the mid-1990s. The DSBN's current enrolment is 37,447, which is expected to increase by 8.2% over the next ten years, reaching 40,500 students by 2028.[32]

The DSBN operates 79 elementary schools and 18 secondary schools in all 12 municipalities that make up Niagara Region. Students come from 112 different countries and speak 91 different languages, representing a wide array of racial, ethnic, religious, and cultural groups and the full range of sexual and gender identities.

The DSBN is also one of the largest employers in Niagara Region, employing approximately 4,500 employees, including over 3,000 elementary and secondary teachers and more than 1,300 support staff.

Reporting to the Director of Education are eight area superintendents, the Superintendent of Human Resources, Business/Treasurer of the Board, the Board lawyer, and senior managers responsible for communications and IT. Some superintendents have additional responsibilities for curriculum and student achievement (K-8), curriculum and student achievement (9-12), special education (K-12), and mental health and well-being (K-12).

The majority of employees are represented by a union or association. There are 9 bargaining units and associations that represent staff on both the academic and business sides. Each

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[31] Long Term Accommodation Plan, 2019-2028. District School Board of Niagara.
[32] Long Term Accommodation Plan, 2019-2028. District School Board of Niagara.

collective agreement sets out hiring procedures for that particular group of employees. The organization uses a combination of centralized and decentralized hiring. In some cases, hiring is centralized and conducted by head office (e.g., the hiring of occasional teachers), while in other cases hiring is decentralized and conducted by principals (e.g., the hiring of permanent teachers).

Ontario's Education Equity Action Plan
In September 2017, the Ministry of Education launched Ontario's Education Equity Action Plan[33] to comprehensively address systemic barriers in Ontario's education system. The action plan, which is being implemented by the newly formed Education Equity Secretariat in partnership with school boards and education partners, is described by the Minister as:

> A clear and robust blueprint that outlines how we will identify and eliminate persistent inequities in the education system. Together with our renewed focus on achievement and well-being, Ontario's publicly funded education system will be fairer and more inclusive for all students, educators and staff, regardless of race, religion, ethnicity, or any other factor related to individual identity.

The Ministry's action plan will address inequities in four areas: School and Classroom Practices; Leadership, Governance, and Human Resource Practices; Data Collection, Integration, and Reporting; and Organizational Culture Change.

1. School and Classroom Practices
The Education Equity Secretariat will work with boards and education partners to address systemic barriers and discriminatory practices faced by marginalized students. The action plan emphasizes the importance of schools using teaching practices, curriculum, and assessments that are "culturally reflective of and responsive to the students they teach, so that all students see themselves, and their own and their classmates' lived experience, reflected in what and how they are learning." The outcomes and performance measures focus on measuring students' experiences of their school environment.

2. Leadership, Governance, and Human Resource Practices
The Ministry states that a necessary and foundational step to creating inclusive learning and work environments is to ensure accountability at all levels of school boards for equity, inclusion, and human rights. To support the implementation of this goal, the Ministry will support school boards to:

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[33] Ministry of Education. (2017). Ontario's Education Equity Action Plan. Queen's Printer for Ontario: Toronto. Retrieved from http://www.edu.gov.on.ca/eng/about/education_equity_plan_en.pdf

- Strengthen accountability for equity and human rights in performance appraisals for principals, supervisory officers, and directors of education and in directors' annual reports

- Establish ongoing equity, inclusion, and human rights training for staff and school and system leaders, including school board trustees

- Enhance diversity in the recruitment, hiring, and promotion of educators and school and system leaders, and

- Establish formal structures to promote and enforce human rights and equity.

3. Data Collection, Integration, and Reporting

According to the action plan, coupled with the identification and removal of systemic barriers, data collection, integration, and reporting will help to change recruitment, hiring, promotion, and professional development strategies. The action plan states that, "As with the collection of student data, all data will be collected on a voluntary basis and in accordance with laws governing privacy and confidentiality."

Data gathering at the board level will be tailored to meet the needs of local communities that may be facing, for example, Islamophobia, anti-Black racism, anti-Indigenous racism, anti-Semitism, homophobia, transphobia, and discrimination affecting people with disabilities. The Ministry will develop, in consultation with education partners, consistent processes for collecting, analyzing, and publicly reporting on Ontario's Education Equity Action Plan disaggregated identity-based data.

The immediate step in the action plan involves the Ministry supporting school boards and labour partners in undertaking workforce data collection and analysis to ensure representative, equitable, and healthy work and learning environments. Specifically, the Ministry will:

- Support boards in undertaking workforce data collection and analysis that will inform a review of systems, policies, and practices, and

- Support boards in identifying and establishing timelines to eliminate barriers and measurable goals to achieve equity in hiring and promotion.

4. Organizational Culture Change

In the final section, the action plan states that the Ministry of Education must lead by example by applying an equity lens to current internal ministry structures, policies, programs, and practices.

The Ministry has also reported on its website about the progress already made to improve equity in education during the 2017–2018 school year.[34]

Recent changes

The Progressive Conservatives won a majority government in June 2018 in Ontario. Since being elected, the government has made many changes to public education in Ontario, including a province-wide ban on cellphones in the classroom and changes to the math and health and physical education curriculum. In addition, a number of proposed changes will impact how boards hire teachers as well as the number of teachers hired, as the government is proposing an increase to the average class size and eLearning. These changes will impact the DSBN and will need to be considered when the Board develops its Employment Equity Plan in the face of ongoing government policy changes.

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[34] Ministry of Education. (2018). Progress on Status of Equity Action Plan Commitments. Retrieved from http://www.edu.gov.on.ca/eng/about/action_plan.html#01

PART C: FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

This section summarizes the findings from the review of policies, practices, relevant human resources documents, competition files, and data as well as the consultations with employees through the online Workplace Equity and Inclusion Survey, focus groups, and one-on-one interviews with union representatives and senior leaders.

For each employment system assessed in the sections that follow, there is:

- An explanation of the purpose of the employment system

- A summary of the findings from the review of relevant documents such as policies, procedures, as well as a summary of the consultations

- Conclusions that identify the specific barriers and issues identified, and

- Recommendations to remove the identified barriers and address the identified issues.

Given that there is overlap in the various employment systems, some information is repeated in different sections, where relevant. Recommendations, however, are not repeated.

7. Guiding Policies

Findings

The DSBN states its commitment to equity, diversity, and inclusion in a number of documents that provide guidance to all administrators, managers, and employees when developing policies, implementing procedures, managing the workplace, or interacting with colleagues.

The DSBN Strategic Plan 2015–2020 — I Matter At DSBN
The Board's Strategic Plan "recognizes the role and importance of each individual's contributions" to the school community, and also establishes the Board's commitment to all those in the school community. The DSBN's mission is stated as follows: "The District School Board of Niagara is committed to student success by working together to inspire, empower, and support all learners to achieve their full potential."

The Strategic Plan outlines the Board's core values, which include equity, diversity, and inclusion, and identifies the specific needs of some groups. These core values include:

- Respect
- Recognizing the importance of equity, dignity, well-being, diversity, and inclusion of all individuals, groups, and communities
- Relationships
- Developing and implementing supports to promote mental health and well-being among students, staff, families, and communities
- Strengthening an environment that supports, facilitates, and celebrates success and innovation for diverse learners
- Responsibility
- Providing a caring, inclusive, safe, and healthy learning and working environment for all individuals and groups
- Using our resources efficiently and intentionally to support equity across the system

The plan then identifies its strategic priorities in the following areas, each of which lists a number of specific priorities related to the areas of equity, diversity, and inclusion:

- Student growth
- Enhance and support innovative programs, initiatives, and strategies that are relevant and responsive to diverse student learning needs, including mental health and well-being

- Staff growth

- Provide opportunities for all staff to support mental health and well-being

- System growth

- Continually improve the mental health and well-being and safety of students and staff

- Continue to develop resources and learning opportunities for embedding First Nations, Métis, and Inuit (FNMI) people

Equity and Inclusive Education Policy and Administrative Procedures

The Equity and Inclusive Education Policy commits the DSBN to upholding the principles of respect for human rights and fundamental freedoms enshrined in the Canadian *Charter of Rights and Freedoms* and confirmed in the Ontario *Human Rights Code*. It also commits the DSBN and its staff to the elimination of all types of discrimination as outlined in Ontario's Equity and Inclusive Education Strategy.

The policy specifies the areas of focus that will guide the actions of the DSBN, in alignment with the requirements of Ontario's Equity and Inclusive Education Strategy: board policies, programs, guidelines, and practices; shared and committed leadership; school–community relationships; inclusive curriculum and assessment practices; religious accommodation; school and workplace climate and prevention of discrimination and harassment; professional learning; and accountability and transparency.

The procedure commits the DSBN to a number of actions, including the following:

- Strive to embed the principles of equity and inclusive education into all Board policies, programs, guidelines, and practices
- School leaders and hiring managers will apply equitable recruitment and hiring practices
- Provide opportunities for the diverse school community, including student, staff, parents, trustees, and community members, to provide active input into Board policies and improvement plans on an ongoing basis
- Investigate in a thorough and timely manner any claim of discrimination and/or racism and take appropriate action, consistent with the principles of the Code.

Conclusions & Recommendations

Specific Equity, Diversity, and Inclusion Commitments

While the DSBN states a commitment to creating inclusive working environments, and a commitment to equity, it does not state a commitment to ensuring that staff reflect the diversity of the student population.

Recommendation 1: It is recommended that in future documents, the DSBN begin to communicate a desire to diversify its workforce to reflect the diversity of its student population.

8.   Recruitment, Hiring, and Selection

The purpose of the recruitment process is to attract a diverse pool of qualified applicants to fill vacant positions. An organization's method of recruitment contributes greatly to the composition of its workforce. For example, the diversity among applicants in response to a vacancy advertised in a national newspaper will likely be different from the diversity among applicants in response to a job opening advertised by word of mouth through existing employees.

The hiring and selection process includes activities designed to identify a qualified candidate for appointment to a vacant position. Hiring and selection systems are closely linked to the recruitment system — the recruitment system provides the candidates who go through the hiring and selection process.

Generally, the nature of the selection process could render it susceptible to institutional and attitudinal barriers. Consequently, it is important to ensure that only clearly defined job-related criteria are used to assess candidates at each stage of the process and that steps are taken to mitigate cultural and personal biases.

While a formal process does not guarantee the complete elimination of subjectivity, it does help reduce subjectivity. Without a formal selection process in place, individuals within an organization may unintentionally work against strategic initiatives and their human rights obligations.

The components of the recruitment, hiring, and selection process discussed in this section include:

1. Policies impacting the hiring and selection process
2. Job postings

3. Advertising job openings

4. Application process

5. Accommodation during the hiring process

6. Selection criteria

7. Pre-screening

8. Assessment of candidates

9. Making the hiring decision

10. Competition files

In addition, this section includes employee perceptions of the hiring process shared during the consultation for this ESR.

8.1   Policies Impacting the Hiring and Selection Process

Conflict of Interest Policy
This policy defines a conflict of interest as "a situation in which an employee, whether for themselves or for some other person(s), attempts to promote a private or personal interest, which results or could appear to result in:

a) an interference with the mission, vision and values of the District School Board of Niagara (DSBN), and
b) a gain or an advantage by virtue of their position with the DSBN."

The policy specifically refers to the following conflicts: using employment status with the DSBN or DSBN equipment, facilities, time, or human resources to promote the sale of personal products or services to fellow employees or others; using DSBN property for anything other than officially approved activities; and purchasing goods or services for their personal use from any supplier to DSBN at a discount.

The policy requires employees to disclose a possible conflict of interest to their immediate supervisor and not participate in any decision being taken by the DSBN without first declaring their conflict of interest, including any decision in which they would benefit directly or indirectly or where the decision affects direct relatives or spouses of direct relatives living in the same household. In addition, employees are required to ensure that they do not place themselves in a position where working relationships are affected by personal or family relationships.

Conclusions & Recommendations

Conflict of Interest Policy

The policy is not accompanied by an administrative procedure that outlines how a conflict of interest should be handled and by whom. In addition, the policy does not specifically identify the following situations as a conflict of interest:

- Employing direct relatives, direct relatives of individuals who share the same household, or people with whom they have a close personal relationship in situations where a reporting relationship exists and where the superior has influence, input, or decision-making power over a staff member's performance evaluation, salary premiums, special permissions, potential for promotion, conditions of work, and similar matters

- Participating in personnel decisions when their objectivity would be compromised for any reason such as, but not limited to, staffing actions involving direct relatives, direct relatives of persons living in the same household, or other people with whom they have a close personal relationship.

Recommendation 2: It is recommended that administrative procedures be drafted to accompany the Conflict of Interest Policy containing specifics for how a conflict of interest will be handled and by whom.

Recommendation 3: It is recommended that the Conflict of Interest Policy be updated to specifically identify as a conflict of interest employing direct relatives, individuals who share the same household, or those with whom an employee has a close personal relationship or influencing others to hire such a person.

Recommendation 4: It is recommended that the hiring process require those involved in the hiring process to sign a statement indicating that by participating in the hiring process, they acknowledge that they do not have a conflict of interest.

Recommendation 5: It is recommended that the Conflict of Interest Policy specify that staff and Trustees are not to use their positions of authority to influence hiring decisions, and that doing so would be a conflict of interest.

Hiring and Selection Policy and Procedure

The DSBN does not have a Hiring and Selection Policy and Procedure that guides its recruitment processes for all positions. Such a policy could state the Board's commitment to attracting, recruiting, and retaining staff from diverse communities, backgrounds, and identities. It could also state the Board's commitment to creating and sustaining an inclusive, caring, and safe

learning and working environment through recruitment and promotion practices that are consistent, equitable, transparent, and free from discrimination and that support the Board's mission, vision, and values.

Recommendation 6: It is recommended that the DSBN develop a Hiring and Selection Policy and Procedure that will provide guidance to all staff involved in the hiring process and clearly state how they are to incorporate equity and diversity into the hiring and selection process, including outreach recruitment, accommodation, training for staff involved in the hiring process, the role of human resources staff, etc.

8.2   Job postings

The wording of, and information contained in, a job ad has the effect of limiting or broadening the applicant pool. In addition to describing the duties of the job, organizations with equity or diversity programs typically include wording that presents them as an organization that is welcoming to applicants from diverse communities, backgrounds, and identities, which helps to attract job seekers from the equity-seeking groups.

In addition, other information on the job ad supports candidates from the equity-seeking groups to find more information about the job opening and supports them to apply for the position.

Findings

Content and Language Used
The job ads follow a consistent format and provide job seekers with the following information:

- Rate of pay
- Hours of work
- Minimum qualifications, including Police Vulnerable Sector Screening
- Educational requirements
- Qualifications including professional registrations
- Skills
- Qualifications, including specialized knowledge; communication and facilitation skills; analytical, problem solving, and issues management skills; project management and organizational skills
- Physical demands, e.g. ability to stand/walk for extended periods and move/carry/lift equipment and devises — able to meet physical demands analysis

- Location of the position and need to travel throughout Niagara Region, where relevant, and

- How to apply.

Equity Statement

DSBN does not have an equity statement describing its commitment to hiring people from equity-seeking groups, specifically racialized people, Indigenous people, and persons with disabilities, and a commitment to an equitable hiring process. Such a statement would encourage job seekers from diverse communities, backgrounds, and identities to submit applications for job openings.

Conclusions & Recommendations

Equity Statement

An equity statement on the Board's website and each job add would communicate a commitment to equity in employment and would encourage job seekers from diverse communities, backgrounds, and identities to submit applications for job openings. For example, the following are examples of equity statements from a few school boards in Ontario:

> The Board is committed to equity in employment. We are committed to equitable hiring practices that allow us to hire qualified staff who reflect the full diversity of the Region.

> The Board believes in giving each and every applicant an equal opportunity to succeed on his or her own merit, and we strive to hire staff that reflect and support the diverse perspectives, experiences, and needs of our students and our communities.

Recommendation 7: It is recommended that the DSBN develop an equity statement and include it on the Board's website and in each job ad.

8.3   Advertising job openings

Findings

The Board uses its website as its primary means of advertising job openings to the public. For professional or specialist positions, broader advertising is conducted, including advertising in newspapers, through professional associations, and on other websites such as LinkedIn.

The Board does not currently engage in outreach recruitment to attract applicants from the equity-seeking groups.

This review found several positive aspects to the Board's website that would encourage job seekers from the equity-seeking groups to apply to a position with the Board. The link for the Career Opportunities webpage is accessible from the Board's homepage and is therefore easy for job seekers to locate and access.

The Career Opportunity webpage also includes information on how to submit an application for teaching and support staff opportunities at the Board.

The Career Opportunities webpage provides links to job ads in a number of categories:

- Teaching Opportunities

- Teaching and Administrative Opportunities Abroad

- Support Staff Opportunities

- Administrator Opportunities

- Supervisory Officer Positions

- Union-Exempt Positions

- Other Related Opportunities

However, the website does not:

- Encourage applicants from diverse backgrounds to apply to positions at the Board

- Include FAQs to provide job seekers with important information regarding applying to positions through Apply to Education

- Provide specific information on French teaching opportunities, the principal and vice-principal selection process, conditions of employment, and professional learning and training

- Provide information for foreign-trained teachers

- Provide tips for job-seekers

Conclusions & Recommendations

Information provided to job seekers

The DSBN's website provides little information to help job seekers understand the hiring process. Further, information is not provided to support the job search efforts of newcomers.

The Government of Ontario, for example, provides information to job seekers on what to expect if invited for an interview.[35]

Recommendation 8: It is recommended that the Career Opportunities webpage include information to better support job seekers, including information on the recruitment process, interview tips, and information for foreign-trained professionals and teachers in particular.

Outreach recruitment
Outreach recruitment has been a valuable, practical, and successful tool for many employers to reach members of diverse communities and ensure greater diversity within the applicant pool. Outreach recruitment has two primary purposes:

1) To let job seekers from diverse communities, backgrounds, and identities know about specific job openings, and

2) To demonstrate that the organization welcomes applications from members of diverse communities, backgrounds, and identities.

Without the relationship building that is inherent in outreach recruitment, job seekers may hear about specific job openings, but may not apply if they perceive the organization to be a "closed shop" and unwelcoming of people from their community, background, or identity.

In an attempt to diversify its teacher workforce, various school boards are conducting targeted outreach recruitment efforts. For example, to better reflect and serve its Black students, the Durham District School Board recently hosted its first recruitment night for Black teachers.[36] To hire more male and racialized teachers, the Toronto District School Board has also included gender and race among the factors used to select who will be invited for an interview.[37]

Recommendation 9: It is recommended that a Hiring and Selection Policy be developed that includes a commitment to do outreach recruitment to diversify the applicant pool.

Recommendation 10: It is recommended that the Board engage in targeted outreach recruitment to attract teacher applicants from more diverse backgrounds.

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[35] See https://www.gojobs.gov.on.ca/Pages/WhatToExpect.aspx

[36] CBC News. (2018, April 20). Durham school board hosts 1st-ever recruitment night for black teachers. Retrieved from http://www.cbc.ca/news/canada/toronto/durham-school-board-hosts-recruiting-for-black-teachers-1.4627791

[37] Hammer, K. & Alphonso, C. (2013, February 19). Hiring should favour male, minority teachers: Toronto school board. *The Globe and Mail*. Retrieved from https://www.theglobeandmail.com/news/toronto/hiring-should-favour-male-minority-teachers-toronto-school-board/article8797933/

Use influence to diversify the teacher pool

Throughout our consultations, employees noted that the challenge of diversifying the teacher workforce begins with diversifying the candidate pool. They note that this is the work of Ontario universities' faculties of education, whose graduating classes are not very diverse. As such, if the Board is to reflect the communities it serves, it needs to effectively use its influence to ensure that the faculties of education are graduating more racialized teachers in particular. The Board can also develop curriculum and strategies to support students from all backgrounds to see teaching as a viable profession.

Other professions have taken on this type of work, most notably in the legal profession. Canada's legal community has designed a Call to Action Canada: Diversity in the Legal Profession to help foster more diverse Canadian legal environments within the next decade.[38] Those who have signed on to the Call to Action include law firms, corporations, Crown prosecutors, judges, and law schools. Various organizations have undertaken a range of efforts to not only hire lawyers from diverse backgrounds, but also influence the diversity of those seeking to go into law. One signatory to the Call to Action, Accenture, participates in numerous efforts to diversify the educational pathway — from elementary school to law school.

Further, law schools have undertaken various efforts to diversify their student populations. For example, the Faculty of Law at the University of Toronto has a strategy to diversify its student population that includes:[39]

- Creating innovative youth outreach programs to encourage young people from underrepresented communities to consider law school

- Removing the financial obstacles faced by low-income students applying to law school by offering a free LSAT prep program and waiving the law school application fee

- Collecting demographic information about incoming student classes, and

- Offering specialized student support services to Indigenous students.

Recommendation 11: It is recommended that the Board use its position to influence faculties of education to increase the racial diversity of their graduates.

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[38] Stern, J. (2010, January 11). Driving diversity: A call to action to Canada's legal community. Canadian Lawyer. Retrieved from http://www.canadianlawyermag.com/author/heather-gardiner/driving-diversity-a-call-to-action-to-canadas-legal-community-692/

[39] Inclusivity and Diversity at the Faculty of Law. Retrieved from https://www.law.utoronto.ca/about-law-school/inclusivity-and-diversity-faculty-law

Recommendation 12: It is recommended that the Board promote teaching as a profession to students from diverse backgrounds, communities, and identities.

8.4   Application process

All job seekers for teaching positions are required to apply through Apply to Education, which requires job seekers to create an account and portfolio in order to apply to job postings. Apply to Education also allows job seekers to search job postings and sign up for job alerts.

Apply to Education requires job seekers to pay an annual fee for each school board and each category of job to which they would like to apply. Existing staff raised concerns that the system can be frustrating to use, and could be particularly challenging for newcomers and those with low levels of computer literacy.

Those applying for support staff positions are able to submit their résumé by email or mail.

8.5   Accommodation during the hiring process

The AODA requires employers to notify candidates about the availability of accommodation during recruitment and provide assessment and selection materials in an accessible format.

Accessibility Standards for Employment Policy
This policy states the DSBN's commitment to ensuring that people with disabilities "have the same opportunity of access to employment opportunities and services as do all employees and prospective employees." It states that the DSBN will provide accommodation for persons with disabilities in the hiring process, including:

- Notifying employees and the public about the availability of accommodation for applicants with disabilities in the recruitment process

- Consulting with the applicants and providing or arranging for the provision of a suitable accommodation in a manner that takes into account the applicant's accessibility needs due to disability after receiving the request from the applicants

- When making offers of employment, notifying the successful applicant of its policies for accommodating employees with disabilities, and

- Consulting with the employee to provide or arrange for the provision of accessible formats and communication supports after receiving the request from the applicant.

Accommodation Statement

The following statement is consistently included on the job ads that were reviewed for this Equity Audit:

> The District School Board of Niagara is committed to inclusive, barrier-free recruitment and selection processes. We will offer accommodation for applicants as required throughout the stages of the recruitment and selection process. If you are contacted by the District School Board of Niagara regarding a job opportunity, please advise if you require accommodation. Information relating to accommodation will be addressed confidentially.

Our review of the hiring and selection documents indicates that Human Resources sends out emails (either directly or through Apply to Education) to schedule interviews. The email provides the date and time of the interview, the length of the interview, and information on what to bring and when to arrive.

Employee Perceptions

A few employees commented on the provision of accommodation during the hiring process. They shared that their request for accommodation impacted their success in the hiring process:

> *HR once accommodated my request for a new interview time and place due [to my disability] but then they let the new interviewers know about my illness. This cost me a position. I know because it was stated in my interview. Confidentiality needs to be taken much more seriously.*

Conclusion & Recommendations

Accommodation Statement

While the Accommodation Statement is included on job ads, it is not included on the Board's Career Opportunities webpage.

While the Ontario *Human Rights Code* requires that organizations provide accommodation based on any human rights protected ground, the Board's policies and practices only address the need to provide accommodation based on disability. For example, one Board's Accommodation Statement reads:

> We will make any reasonable accommodation, based on any of the human rights protected grounds, to support candidates to participate in the hiring process.

When contacted, candidates will be provided with an overview of the various elements of the selection process, such as tests and skill demonstrations. We will provide employment accommodation (i.e. an accessible location, rescheduling of interviews that fall on holy days) if we are advised of an applicant's needs in advance of any part of the selection process.

In addition, providing more and accurate information to candidates will help them determine whether they will need accommodation during the hiring and selection process.

Recommendation 13: It is recommended that the Accommodation Statement be included on the Board's Career Opportunities webpage.

Recommendation 14: It is recommended that the Accommodation Statement be updated to inform job seekers that accommodation will be provided based on any human rights protected ground.

Recommendation 15: It is recommended that the Hiring and Selection Policy and Procedures be updated to specify the Board's responsibility to provide accommodation based on any human rights protected ground, including disability, religion, and family status.

Provision of Accommodation
While the accommodation statement indicates that candidates are to advise if they require accommodation during the hiring process, the email which invites them for the interview does not remind them of this, nor does it state who to contact should accommodation be needed.

All facilities where a person would require access during the hiring process, such as interview and testing rooms, should be fully accessible to persons with disabilities. Inaccessibility of these areas could negatively affect a person's ability to participate in the hiring process and could affect the organization's decision to hire a person with a disability. This lack of accommodation could result in a human rights complaint. As such, asking about the need for accommodation at the point of scheduling the interview is important, because this provides the candidate with the opportunity to ask about physical accessibility and the hiring manager/administrator sufficient time to change the location of the interview if needed.

Recommendation 16: It is recommended that the emails to candidates invited for an interview contain a reminder that they are able to request accommodation, based on any human rights protected ground, and indicate who to contact should accommodation be needed.

Recommendation 17: It is recommended that administrators be provided with sufficient information about their duty to ask about and provide accommodation in the hiring process.

Recommendation 18: It is recommended that FAQs be added to the Career Opportunities webpage to answer questions such as "What is accommodation?" and "Will asking for accommodation affect the Board's hiring decision?" Examples of the types of accommodations that may be provided could be supplied to help job applicants understand whether they should be requesting accommodation.

8.6   Selection criteria

Findings

While our review of job ads indicates that the selection criteria requested on the job ads appear to be consistent with the requirements of the job, a few issues were noted.

Police Records Check

Regulation 521/01 under the *Education Act* requires school boards to collect a "personal criminal history" for all employees and service providers at schools and school boards. A Police Vulnerable Sector Screening is required when an individual will be in a position of trust or authority over vulnerable persons, including students. Each year, employees are required to complete an Annual Compliance Declaration to disclose convictions for offences under the *Criminal Code* for which a pardon has not been granted.

The Police Criminal Record Check - Police Vulnerable Sector Check and Offence Declaration policy and administrative procedure requires that all new employees provide a recent satisfactory police criminal record check or police vulnerable sector check as a condition of employment. Offence Declarations are collected on an annual basis from all employees.

The policy states that the Board will not knowingly employ anyone with a criminal conviction for which a pardon has not been granted for a number of offences, including, but not limited to:

- Any sexual offence under the Criminal Code of Canada
- Any violations under the Narcotic Control Act of the Food and Drug Act
- Any criminal offence which relates directly or indirectly to a person who is less than 18 years of age, or in the case of a person who has Special Needs, 21 years old or less
- Crimes of violence which include, but are not limited to, threats, assaults, use, possession or concealment of a weapon or imitation of a weapon
- Propagation of hate literature or incitement to hatred
- Possession, distribution or sale of any pornographic or violent material.

The policy goes on to state that the appropriate DSBN personnel will examine the police record check to identify areas of concern, and notes that those with a "criminal record who are otherwise suitable shall not be automatically disqualified." Mitigating circumstances will be assessed in consultation with the DSBN lawyer before a final decision will be made. The final hiring decision will be made jointly by the appropriate Superintendent of Education and/or designated Human Resources personnel and the DSBN Lawyer.

However, while the requirement for a police records check is included on some job ads, it is not consistently included on each job ad, nor is it included on the Career Opportunities webpage.

Driver's license

Our review of job ads indicated that a number of positions include a requirement for "reliable transportation (valid driver's license and access to a motor vehicle an asset)." These positions are casual, on-call positions serving schools throughout the region. In addition, there are a number of maintenance positions that require a valid driver's license as these staff are required to drive DSBN vehicles. As such, were we have seen a driver's license listed as a job requirement, it appears to be a bona fide job requirement.

Conclusions & Recommendations

Police Records Check

Police record checks can reveal information that goes beyond records of criminal conviction, including non-conviction records and police contact records. This disproportionately affects those who have more contact with the police due to over-policing and the collection of their personal information through carding or street checks, such as Indigenous and racialized people, those living in poverty, and people with mental health disabilities.[40] Because police record checks are necessary for those working in education, it is important that any positive information be reviewed to determine suitability for employment.

While the Board's policy and administrative procedure states what is to occur should a positive police records check be received, the policy also needs to address the need to keep this information confidential to protect the privacy of employees.

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[40] See:

Ross, S. (2017, March 25). Somali-Canadian woman sues federal government over loss of security clearance at Person Airport. *The Globe and Mail*. Retrieved from https://www.theglobeandmail.com/news/toronto/somali-canadian-woman-sues-federal-government-over-loss-of-security-clearance-at-pearson-airport/article28094332/

Owusu-Bempah, A. (2017, January 18). Ontario's 'ban' on carding isn't really a ban at all. CBC News. Retrieved from http://www.cbc.ca/news/opinion/ontario-carding-ban-1.3939558

Recommendation 19: It is recommended that the Board's Police Criminal Record Check - Police Vulnerable Sector Check and Offence Declaration Policy and Administrative Procedure be updated to address the need to protect the privacy of the employee should a positive police records check be received.

Recommendation 20: It is recommended that the DSBN include the need for a police records check on each job ad and that the type of police check required be specified.

Recommendation 21: It is recommended that the DSBN website include information on the need for a criminal record check, when it will be required in the hiring process, how a job candidate would request one, and what the process is should evidence of a police record by confirmed.

8.7   Pre-screening

Findings

For centrally hired positions, pre-screening is conducted by Human Resources. For other positions, the hiring manager is responsible for pre-screening. The screening is based on the minimal requirements (education and experience) listed in the job ad. If the position is unionized, there is no flexibility on the pre-screening criteria, as the educational and experiential requirements have been negotiated with the bargaining unit. If the position is not unionized, the Board has some flexibility in that they can consider existing employees who may not have the educational requirements but do have equivalent education and experience.

Applicants for occasional teaching positions are screened and shortlisted by the Human Resources Department. If the applicant is successfully screened, references are contacted by the Human Resources Department. If the references are positive, the candidate is then contacted by email and a screening interview conducted.

8.8   Assessment of candidates

In a formal assessment process, interview questions are designed to assess each candidate against job duties and qualifications. The general practice is to establish interview questions that reflect the skills and abilities needed for the job; identify a score and weight for each question or category of questions; and ask the same questions of all candidates.

Ensuring consistency in the interview questions helps to ensure that staffing decisions are based on a fair assessment of the candidate's skills and abilities against job-related criteria rather than an interviewer's subjective assessment of the candidate. Studies have shown that

the more subjectivity there is in a hiring process, the less likely women are to be successful in the process.[41] This finding likely also holds true for candidates from the other equity-seeking groups.

Other studies have found that bias and error on the part of the interviewer is a key reason why the candidate who is most likely to perform well in the job is not always hired.[42] Without the standardization of the interview process, supported by adequate training, interviewers may make hiring decisions based on "gut feeling" and intuition, which could have a negative effect on the hiring of individuals from the equity-seeking groups, who may be qualified and well suited to the job.

For decades, research studies in Canada and the United States have been conducted on the impact of gender, race, and ethnicity on various aspects of employment. This research suggests that both conscious and unconscious biases influence interactions with and the assessment of job candidates. When comparing men and women with the same employment background, evaluators tended to rate the men higher in various areas, including job performance and leadership ability. Some studies found that when there was a hiring decision to be made, men of equal skill and ability were more likely to be hired over their female peers. The same was found in studies that compared the assessment of White and Black men. Some studies also found that higher hiring criteria were set for women and Black men compared with those used to evaluate their White male counterparts. In Canada, there is also evidence that the qualifications and work experience of immigrants are also undervalued, and that biases against those with "ethnic-sounding" names negatively affect the ability of job applicants to be considered for positions for which they are fully qualified.[43]

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[41] Polisar, J., & Milgram, D. (1998, October). Recruiting, integrating and retaining women police officers: Strategies that work. The Police Chief.

[42] Bohnet, I. (2016, April 18). How to take the bias out of interviews. Harvard Business Review. Retrieved from https://hbr.org/2016/04/how-to-take-the-bias-out-of-interviews

[43] See for example:

Henry, F. (1985). Who gets the work?: A test of racial discrimination in employment. Urban Alliance on Race Relations;

Banerjee, R., Reitz, J.G., & Oreopoulos, P. (2017, January 25). Do large employers treat racial minorities more fairly? A new analysis of Canadian field experiment data. University of Toronto. Retrieved from http://www.hireimmigrants.ca/wp-content/uploads/Final-Report-Which-employers-discriminate-Banerjee-Reitz-Oreopoulos-January-25-2017.pdf;

Cruickshank, A. (2017, December 26). Black job seekers have harder time finding retail and service work than their white counterparts, study suggests. *Toronto Star*. Retrieved from https://www.thestar.com/news/gta/2017/12/26/black-job-seekers-have-harder-time-finding-retail-and-service-work-than-their-white-counterparts-study-suggests.html

To minimize the effect of bias on candidates from diverse communities, backgrounds, and identities, organizations typically strive to ensure that interview panels are diverse, to increase the validity of the interview as a primary selection tool and to decrease the differences in outcomes between candidates from various groups. Having a diverse interview panel decreases the likelihood of gender or cultural bias in the interview process and in turn increases the fairness — and perceptions of fairness — of the process.[44]

In addition, interviewers, no matter how well intentioned, may also tend to favour those who are more like them, as well as those they know on a personal basis or with whom they have previously worked. A diverse interview team would help to mitigate any such bias.

8.8.a   Interview process

Findings

Use of an interview panel
The review of the competition files indicates that interview panels of two or more individuals are consistently used in the hiring process. For the hiring done centrally, panels are convened by Human Resources. For hiring conducted at the school level, the principal includes the vice-principal or a principal from another school to sit on the interview panel.

Instructions for interview team
Instructions for interview teams reflects a number of best practices:

- A copy of the interview questions is taped to the table where the candidate sits
- The process is explained to the candidate, including the number of questions to be asked and the time allotted to the interview
- Guidance on the use of look-fors
- Consensus scoring

Human Resources also provides the teacher interview team with a feedback form to support them to provide feedback to LTO candidates as required by Regulation 274.

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[44] See for example:

Reynolds Lewis, K. (2017). Diversity interview panels may be a key to workplace diversity. Working Mother. Issue 45. Retrieved from https://www.workingmother.com/diverse-interview-panels-may-be-key-to-workplace-diversity#page-3

8.8.b Interview questions

Findings

Human Resources is involved in the development of the interview questions for all competitions conducted. For support staff positions, interview questions are developed in collaboration between Human Resources staff and the hiring manager. For centrally conducted teacher interviews, all the questions are developed by Human Resources. In all the competition file reviews, we found well-worded questions that support the assessment of candidates based on their skills and abilities to do the job.

Questions related to the candidate's ability to work with a diverse group of coworkers, work in a diverse school setting, or manage a diverse group of employees were not typically asked.

The interview questions for the competitions reviewed appeared to be relevant to the position and included a good mix of theoretical/knowledge-based questions, situational questions, and behavioural questions. In addition, the interview questions asked could be objectively scored. In most cases, elements of an appropriate response (e.g., "look-fors") are provided for interviewers to support consistent scoring of the interviewees. In addition, Human Resources provides interview score sheets to support the fair and consistent scoring of job candidates.

8.9   Reference checks

Findings

Reference checks are conducted following interviews. References must have directly supervised the candidate in the workplace. Reference checks are completed via email. Referees are emailed the reference check form, which allows them to score the candidate on a number of criteria (e.g., classroom management, equity and inclusivity, collaboration, etc.) and allows them to provide additional written information.

The reference check forms reviewed include some very good questions designed to assess how the candidates performed in previous positions as well as the soft skills they bring to the position. Most of the reference checks reviewed included a question on equity and inclusivity.

For some competitions, rather than being used to confirm the successful candidate, references are scored and used to determine the successful candidate.

8.10   Competition files

Findings

Once a hiring decision is made, an organization should be able to document non-discriminatory reasons for hiring or not hiring each candidate. A complete competition file allows the organization to document the hiring process and justify the hiring decision that was made. Some organizations include a checklist of items that need to be in competition files before the file can be closed. Typically, a complete competition file includes: the job ad; pre-screening criteria and scores; test marking guide with completed tests; completed interview assessment form; reference checks; and the overall scoring for each candidate.

A complete competition file allows for an accurate and thorough debrief of all candidates should it be requested. It also allows the organization to defend its hiring decision, should it be challenged through a grievance or human rights complaint.

While we were able to access files for competitions run centrally, it appears that the retention of these files is by practice not policy. None of the policies reviewed address the need to retain competition files, the content of such files, and the length of time files should be retained.

Conclusions & Recommendations

The retention of competition files is important in order to provide unsuccessful candidates with constructive feedback to support their success in future competitions. These files are also important if the DSBN is to successfully defend itself should it face a human rights complaint or grievance. Given that individuals have up to a year following the incident to file a complaint, which can be extended with a good reason, it would be prudent for the DSBN to keep these files for at least 18 months following the selection of a candidate.

Recommendation 22: It is recommended that the DSBN address the retention of competition files in the previously recommended Hiring and Selection Policy and Procedure, including the requirement to retain competition files for 18 months.

8.12   Perceptions of the hiring and selection process

Findings

In the consultations, employees were asked about their perceptions of the DSBN's hiring and selection process. The results from the Workplace Equity and Inclusion Survey, as shown in Graph 1, indicate that survey respondents, when they do have an opinion about the hiring and selection process, have little faith in the process. In response to the survey questions, a large

proportion of survey respondents checked the "Don't Know" option, as they may not have participated in the hiring process for a long time or don't have an opinion about the process.

Graph 1. Employee Perceptions of the Hiring and Selection Process

Statement	Agree	Hard to Decide / Don't Know	Disagree
When DSBN hires new employees, fair processes are consistently followed	45%	24%	32%
When DSBN hires new managers and/or administrators, fair processes are consistently followed	32%	42%	27%
Personal biases about people from certain groups influence hiring decisions	39%	30%	30%
Nepotism (e.g., hiring family and friends) has a significant impact on who is hired and who advances at DSBN	53%	22%	26%
Favouritism has a significant impact on who is hired and who advances at DSBN	60%	18%	22%

■ Agree   ■ Hard to Decide / Don't Know   □ Disagree   n=1041

As the graph shows, only 45% of survey respondents feel that fair processes are consistently followed when the DSBN hires new employees, while 32% feel that fair processes are followed, and 24% found it hard to decide or did not know.

Fewer (32%) agree that when the DSBN hires new managers and/or administrators, fair processes are consistently followed. A larger proportion (42%) found it hard to decide or did not know whether fair processes are consistently followed when managers and administrators are hired, while 27% did not agree. This suggests that many staff are simply not aware of the process for hiring new managers and administrators.

39% of survey respondents agree that personal biases about people from certain groups influence hiring decisions. The remaining 30% found it hard to decide or did not know, while an additional 30% did not agree.

Over half of survey respondents (53%) agree that nepotism has a significant impact on who is hired and who advances at the DSBN, while 60% agree that favouritism has a significant impact. A number of survey respondents shared their opinions about the extent of nepotism and

favouritism at the DSBN and argued that it would benefit all employees if hiring were based on the skills and abilities to do the job:

> *The DSBN can ensure that hiring practices are not biased and are based on the experience and qualifications of the candidate. For example, nepotism is evident in the board.*

> *The DSBN needs to set nepotism aside and hire the best candidate for the job. They also need to offer day to day work to the most qualified candidate instead of getting friends/family in for day to day supply work. An external hiring agency being brought in to conduct interviews would make this process a lot more fair.*

> *There is a cronyism and nepotism among school administration and managers that preclude [fair hiring].*

> *I don't know about other groups, but I think that the average person is disadvantaged if the best applicant is not hired because of nepotism or favouritism.*

> *At our school nepotism and favoritism is rampant!*

In fact, some survey respondents feel that the lack of diversity within the DSBN is not the result of a desire to not hire candidates from diverse communities, backgrounds, and identities, but instead due to opportunity hoarding[45] through nepotism and favouritism, which negatively impacts all of those without connections at the Board:

> *It is not that groups experience discrimination; it is that this area has a strong nepotism incline. So if you don't know anybody, it is hard to get ahead.*

> *Unsure, however, nepotism is playing too large a role in the hiring and promotion process. This is leaving all others, not just the marginalized, out of the equation.*

Participants also shared that these practices are so common throughout the Board that they go unquestioned. They also note that hiring based on personal relationships not qualifications has resulted in the hiring and promotion of people who were not necessarily the best person for the job, causing those passed over to be discouraged:

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[45] Opportunity hoarding is a theory about group behaviours that result in the restriction of some individuals' or groups' access to desirable goods, services, or privileges.

I would like to emphasize the fact that nepotism is regularly practiced at the DSBN. Candidates have clearly been hired without experience over candidates that are qualified. I believe nepotism is not seen as unfair.

The nepotism and shady dealings are out of control. People get hired or promoted based on who they know and not because they're the best person for the job. It's so common that it's accepted as fact, and that's wrong.

Yes, nepotism is extremely common. Family members of principals, senior admin, or Board staff often get full time contracts very quickly. They use 'programming needs' as the reason to hire them which bypasses the seniority lists which are ranked simply by date of hire. They also move through the ranks into administration very quickly, often with little classroom experience.

The Workforce Equity and Inclusion Survey also asked employees about their perceptions of the role that bias plays in the hiring and selection process. Employees were asked to rate the extent to which they feel that particular groups of employees could just as easily be hired and/or advance within the Board. As Graph 2 shows:

- 76% believed that women can just as easily advance into senior positions in the Board as men

- 53% believed that racialized people can just as easily advance into senior positions

- 52% believed that Indigenous people can just as easily get a job in the Board as others

- 43% believed that persons with disabilities can just as easily get a job in the Board

- 54% believed that those who identify as LGBTQ+ can just as easily get a job in this Board as others.

Graph 2. Employee Perceptions of the Hiring and Selection Process

	Agree	Hard to Decide / Don't Know	Disagree
Women can just as easily advance into senior positions at DSBN as men	76%	15%	9%
Racialized people (visible minorities) can just as easily advance into senior positions at DSBN as others	53%	33%	14%
Indigenous people can just as easily get hired and/or advance into senior positions at DSBN as others	52%	35%	13%
Persons with disabilities can just as easily get hired and/or advance into senior positions at DSBN as others	43%	41%	16%
People who identify as LGBTQ+ can just as easily get hired and/or advance into senior positions at DSBN as others	54%	36%	10%

■ Agree　■ Hard to Decide / Don't Know　□ Disagree　　　n=1041

Throughout the survey a number of employees expressed frustration that the Board's workforce doesn't better reflect the student population, and that the role of nepotism and personal biases in the hiring process have limited the ability of the Board hire a more diverse workforce. Some noted a preference in terms of characteristics of teachers and felt that the Board needs to do more to diversify its staff.

Racialized employees
Employees noted that the large gap between the racial diversity of the student population in particular and the teachers and administrators in many schools negatively impacts school climate and outcomes for students.

> *More diversity in teaching staff would benefit students. Students should be able to walk into a school and "see themselves" represented.*

> *DSBN should diversify its staff. Students who come from diverse ethnic, ability, and cultural backgrounds do not see themselves reflected in the teaching staff. Additionally, some teachers still espouse views about equity, inclusion, and diversity that are not supportive and welcoming.*

> *The thing that is on my mind right now is that I don't actually see a lot of teachers from diverse cultures represented in the board. I don't think that is on purpose. It could be because people from ethnic backgrounds may not have the same opportunities to get educated at the level required to become a teacher. It would be great to see more ethnicities represented in the teaching profession which inspires students from those backgrounds to also become educators.*

> *Please hire a racially diverse teaching faculty and administrators that reflect the racial diversity of our student body and the communities we serve. In the two years I have worked at the DSBN, I have encountered only one black education authority. The lack of racial diversity at the educational-authority level in the DSBN implies that racialized people do not succeed in academic institutions.*

Ageism

A number of staff also expressed concern that ageism plays a role in the hiring process, with administrators preferring to hire younger rather than older teachers. Some also shared their perception that not only are younger teachers preferred, but older teachers are pressured to retire.

> *The current trend to 'disrespect' (and please read between the politically correct lines here!) teachers that have high seniority (many are only 40-60 yrs old) and try to get them to 'choose' to leave i.e. calling home on legitimate sick days, calling for return when parents or children die before the contract # of days etc. Being told that if you do not retire you will be sent to a very challenging school, changing assignments randomly i.e. 25 years successfully teaching in Kindergarten being switched to grade 8 etc.*

Women

While the DSBN workforce is female dominated, there were a number of survey respondents who felt that women did not have the same opportunities as their male counterparts in the hiring process.

There were also a number of employees who felt that rather than focus on the equity-seeking groups, the DSBN should focus more on hiring male teachers. Others expressed concern that all is well at the DSBN and that the Board doesn't need to place any greater focus on diversity.

> *I watched the slow decline of males represented on staff lists and in administration.*

I believe people that are ill are at a disadvantage. I have known women who were pregnant get skipped over for a position and told to their face that is why. I also know from personal experience that people with long term illnesses (even if their work is not currently hindered by the illness) get passed over for jobs as well. Unfortunately, because these messages are relayed in person during the interview, with no witnesses, it is hard to prove when it happens.

No action needed

It is important to note that not all survey respondents felt that there were issues with the DSBN's hiring processes. A number shared their cautions about the Board paying too much attention to diversifying its workforce. They believe that the Board has already gone too far in its diversity efforts and called it "impractical" and a "disservice" to the community.

While diversity and equity are vitally important, often society is inclined to sacrifice quality over these aspects. Hiring or catering to a group for the sake of equity when it reduces effectiveness overall is not conducive to creating a quality system. That being said, it is important that staff are welcoming and supportive to all groups even if the staff member does not belong to that group.

I agree in theory that increased Diversity adds to the strength of an organization and an increased ability to meet various students' needs. Unfortunately, when a person is hired solely for being a representative of a minority ethnicity and lacks the required skills to do the job well, organizations are inadvertently weakened.

As a white female that has two white daughters that are beginning their journey through their academic careers and eventually into our Canadian workforce, I worry that because of their white skin and blonde hair they may not be hired because the board may not be looking for this "type" of person at this time. I feel that diversity is more important than proficiency, intelligence, organization and work competence for a potential position within the DSBN.

Conclusions & Recommendations

Perceptions of the hiring and selection process

Many employees who participated in both the focus groups and online survey expressed a lack of confidence in the hiring process. Fewer than half of survey respondents agreed with a series of questions about whether the DSBN has fair and consistent policies and practices.

Whether or not these perceptions are accurate, it is clear that employees feel distrustful of the hiring process. More needs to be done to not only ensure a bias-free hiring process, but to instill employees with confidence in the process so that they feel it is bias-free and they will be fairly assessed when they do participate in the process. A lack of confidence in the hiring process creates barriers if employee perceptions inhibit them from applying to positions they are interested in and qualified for. In addition, a lack of confidence in the process places suspicion on those hired.

The Board can help to address this mistrust by implementing the recommendations made throughout this report and continuing its efforts to strengthen the hiring process. In addition, consistent communication on the implementation of these recommendations is important to build employee confidence that the issues raised will be addressed. Communicating about the steps being taken will change organizational culture and demonstrate to employees that the Board is committed to making change.

It is important to increase confidence in the hiring process especially because the labour market is becoming increasingly diverse and the Board is making efforts to remove barriers to hiring. An increase in the number of employees belonging to the equity-seeking groups could undermine these employees' success if they are seen as unqualified and being hired to fill quotas.

Recommendation 23: It is recommended that the Board regularly communicate with employees about the hiring process, including any changes to the process, to strengthen their confidence that the Board has a fair and bias-free process that supports the equitable assessment of candidates from the equity-seeking groups.

Human Resources Services
Human Resources Services needs to be a leader in the organization to change mindsets and practices to diversify the organization. As such, the department should do more to be and be seen as being reflective of the diversity of Niagara Region.

Recommendation 24: It is recommended that Human Resources Services serve as a model and leader for the rest of the organization by increasing the diversity of staff within the department.

9.   Development and Advancement

Development includes formal training and temporary assignments in other positions that help an employee develop the skills and knowledge to move laterally and advance in the organization. In many organizations, access to developmental opportunities plays a powerful

gatekeeping function and limits the ability of employees from the equity-seeking groups to advance into senior positions within the organization. Limited access to training and development opportunities and to temporary assignments can be a barrier to advancement for employees from the equity-seeking groups.

Research consistently shows that certain groups, including women, racialized people, Indigenous people, and persons with disabilities, remain concentrated in lower-level positions within organizations despite their skills, abilities, and level of education. These studies confirm that upward mobility continues to be a problem even in organizations in which these groups are well represented and even when they have qualifications, skills, and abilities comparable to those of their counterparts.[46]

The issues that affect the upward mobility of employees from these equity-seeking groups are connected to and overlap with many of the issues discussed and the recommendations made in other sections of this report.

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[46] See for example:

Ngué-No, F., & McKie, D. (2018, March 31). Local black Canadians face 'systemic barriers' to senior-level jobs, critics say. CBC News. Retrieved from http://www.cbc.ca/news/canada/ottawa/black-population-ottawa-increase-barriers-work-1.4600403

The Conference Board of Canada. (2013, December 19). Young women face barriers to workplace advancement. Retrieved from http://www.conferenceboard.ca/press/newsrelease/13-12-19/young_women_face_barriers_to_workplace_advancement.aspx?AspxAutoDetectCookieSupport=1

Catalyst. (2007, June 15). Career advancement in corporate Canada: A focus on visible minorities. Retrieved from http://www.catalyst.org/knowledge/career-advancement-corporate-canada-focus-visible-minoritiessurvey-findings

Diversity Institute. (2012). Diversity leads. Women in senior leadership positions: A profile of the Greater Toronto Area (GTA). Retrieved from https://www.ryerson.ca/content/dam/diversity/reports/DiversityLeads_Gender_2012.pdf

9.1   Perceptions of opportunities for advancement

Findings

The Workplace Equity and Inclusion Survey asked employees to share their perceptions about their opportunities for advancement.

Graph 3. Perceptions of Advancement Opportunities
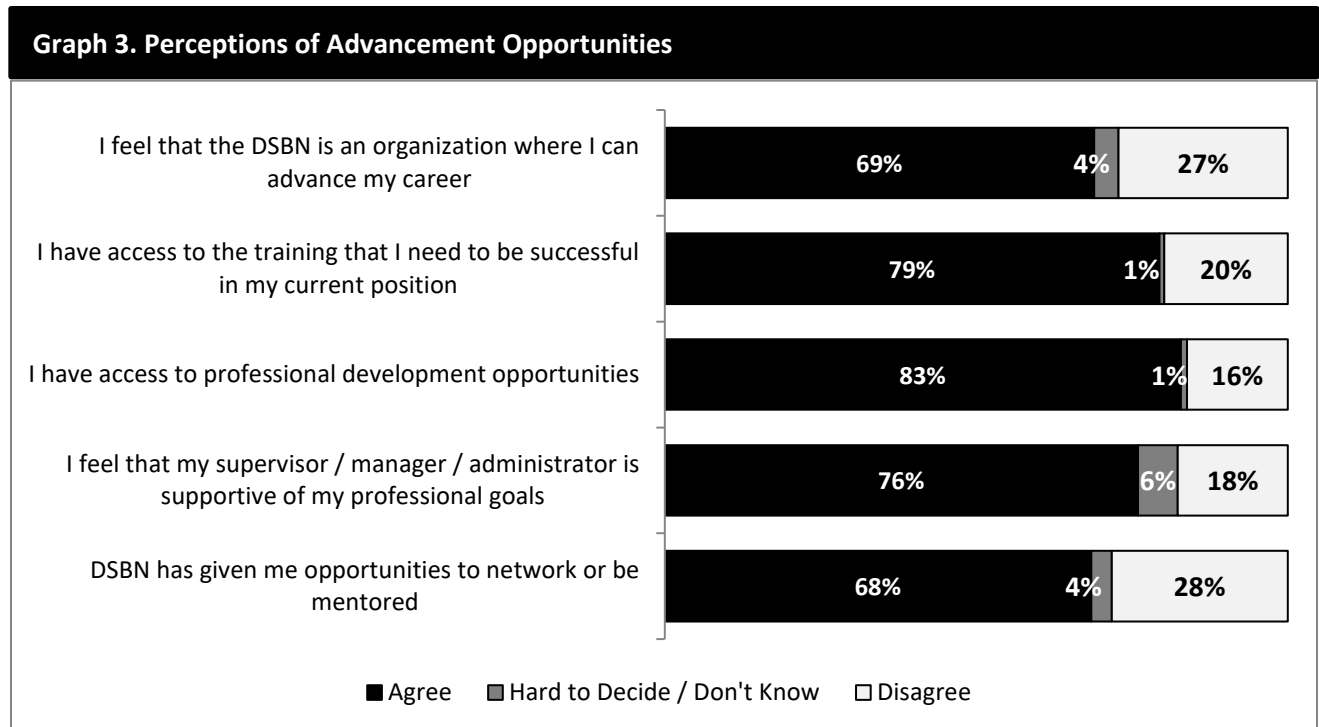
As Graph 3 shows, 69% of survey respondents indicated that they have access to opportunities for advancement within the Board. A larger proportion of survey respondents, 79%, agree that they have access to the training they need to be successful in their current position, while 83% indicate that they have access to professional development opportunities. 76% agree that the person they report to is supportive of their professional goals, while 68% feel that the DSBN gives them the opportunity to network or be mentored.

An employee's journey to promotion begins long before the promotion process itself. While staff who are not teachers are able to access training opportunities and apply for advancement should they choose, the process for teachers is quite different. Within each school, various opportunities are available for emerging leaders to develop the leadership skills needed to prepare teachers for advancement. These include participating in:

- School-based roles (e.g., Program Leaders, Teacher-in-Charge)

- Leader development (e.g., NTIP, LEAD, New Administrator Mentoring, Leadership Development, and

- System teacher positions (e.g., Instructional Coaches, Consultants, Resource Teachers).

Participation in these opportunities is critical to the advancement of teachers to the position of vice-principal and principal.

For both central and school-based leadership positions, there is a formal hiring process. For short term positions, however, individuals are often asked to fill the position rather than engage in a formal hiring process. While central positions are for a specified term, the process for extending these terms is inconsistent and not transparent. This inconsistency and lack of transparency could undermine the faith of employees in the hiring process.

For other positions in Caretaking the job posting process is specified in the collective agreement. Successful applicants are based on qualifications, training and seniority. In addition, the DSBN supports employees with professional development when inquiries are made.

Throughout the consultations, employees raised a number of concerns about the promotion process itself and their opportunities for advancement. But further analysis of the comments indicates that their perception of the fairness of the process and opportunities for advancement depends greatly on the position they hold. Educators were far more likely than support staff to agree that:

- The DSBN is an organization where they can advance their career (78% of educators vs 52% of support staff)

- They have access to the training that they need to be successful in their current position (87% vs 68%)

- They have access to professional development opportunities (92% vs 64%)

- They feel that their supervisor/manager/administrator is supportive of their professional goals (82% vs 68%)

- DSBN has given them opportunities to network or to be mentored (80% vs 49%).

This could represent the organization structure and the number of teaching positions and the number of positions of added responsibility available to teaching staff, as well as the option for advancement into vice principal and principal positions. Support staff on the other hand, have fewer opportunities for advancement and these opportunities tend to be limited to their particular department.

Barriers to positions of responsibility

A number of employees shared their concern that the current process, which has the teacher's current principal serving as gatekeeper to positions of responsibility, creates a barrier to advancement for many teachers. They shared that the selection process is often arbitrary and not merit based, in addition to being rife with favouritism, nepotism, and bias. This is particularly concerning given that department head positions are deemed to be a stepping stone for those wishing to progress into administration.

> *Less nepotism and hiring practices that focus on skills not who you know in admin. Promotions and job placement should only be based on schooling, seniority, and performance reviews. Local principals doing the hiring individually for each position allows for many ethical issues in the process and usually not the best candidate being chosen.*

> *I have seen brand new teachers with little experience be groomed for leadership positions. I believe that this process is fraught with bias and nepotism (popularity contest). I am personally affected by the promotion practices that have kept me in the classroom full time.*

> *Hiring or picking people for positions by the admin at school level does not reflect the same standard of hiring by the DSBN. Favouritism is apparent.*

Current principal as gatekeeper to promotion
Concern was also raised that the requirement that the teacher's current principal serve as one's reference in the promotion process is problematic. Some were concerned that this process means that those who are supported for advancement are not the strongest candidates but rather those who have a good relationship with the principal. As such, teachers seeking to advance must focus on that relationship, which may limit their ability to address problematic issues in the school or be champions of equity. In addition, the biases of the principal may influence which teachers they choose to support for advancement, thereby limiting the advancement of those from the equity-seeking groups.

Human Resources notes that their process does not put the principal in the position of gatekeeper. Instead, the teacher's current principal is one of three references considered in the promotion process. In addition, teachers are not required to hold a position of added responsibility within the school nor a central position in order to advance.

Some teachers shared that their desire for advancement has not been supported for a number of reasons, including the principal's perception that they are too old, too young, or the wrong race.

It's only open to those who know someone. Usually, staff are "tapped" (asked by admin) to take courses etc. To move up into admin. Many times these staff are told it's an absolute secret and have been told to not tell even spouses about possible advancement opportunities courses. Many former and current admin have several family members working on the DSBN as teachers and these individuals move into admin positions very quickly and jumping ahead of more qualified and/ senior teachers.

The number of racialized people in our workplace is very small, the number of people with accents even smaller, and anybody who is remotely "different" has trouble getting daily work and has basically no chance at all of getting on the LTO List. Meanwhile young attractive white females are snapped up for jobs in a heartbeat. Eliminate interviews which basically serve to allow Principals to visually size someone up and discriminate against them. Eliminate the requirement for reference letters from people who are already employees, as references are hard to come by for anyone that's different in any way, and references basically reinforce/embody hiring via who you know.

I am a highly educated and career-driven individual who has not stopped learning. I am constantly improving my knowledge and application of best practices. However, I feel the opinions of my immediate supervisor are given priority when I am trying to advance into other roles within the system. I have been, and also know of other colleagues who have been, denied opportunities for advancement because my immediate supervisor fills out a confidential referral (at least, it was not shared with me or other colleagues trying to move in their careers). I have a desire to move into new positions within my career but I feel these opportunities are hindered when one supervisor is critical of my performance. I would hope that more than one reference is taken into account, but these practices are not transparent enough for me to know for certain.

"Reverse discrimination"
Not all employees feel that discrimination exists in the promotion process. In fact, they believe that "reverse discrimination" exists and that White men, White women, and/or Christians are now at a disadvantage.

There is anti-white reverse racism in the DSBN.

White males are discriminated against when it comes to promotions.

Employees also shared their concerns that because advancement is based on who you know, not what you know, the DSBN is not supporting the right people for advancement, with the people being promoted lacking people management skills in particular.

9.2 The vice-principal and principal promotion process

Selection and Placement Process: Principal and Vice-Principal Administrative Procedure
This procedure guides the principal and vice-principal selection process. It describes the posting and application process, content of the application package, qualifications, composition of interview committees, selection process, and placement process from the pool.

The administrative procedure outlines the stages for the recruitment and selection of principals and vice-principals as follows:

Internal and External Principal & Vice-Principal Promotion Process	

Stage 1: Application Package	• Submit application package consisting of:
	    o A cover letter
	    o A resumé (2–3 pages)
	    o Most recent OCT Certificate of Qualifications
	• List three professional references, one of which must the current supervisor and current Superintendent for external candidates
	• Most recent performance appraisal
	• Leadership Readiness Document

Stage 2: Application Review	Application packages are reviewed by the Senior Administrative Team Review Committee, which determines a list of candidates who will be interviewed. Candidates who are successful at the application stage of the process will progress to this stage. The process includes two parts.
Stage 3: Interview	The final stage of the process is an interview with the Leadership Interview Committee, which normally consists of: **Principal Interviews** • Director of Education • Superintendent (Chair)

	• Superintendent **Vice-Principal Interviews** • Superintendent (Chair) • Superintendent • Superintendent
Stage 4: Selection	The Superintendent chairing the committee will review the Leadership Interview Committee recommendations with Senior Administration and then make a final recommendation to the Director of Education. Approved candidates will be placed into the elementary / secondary principal / vice-principal pools.

Those who are not selected for an interview have the opportunity for a debriefing regarding their strengths and areas for growth. Post-interview feedback is offered to all candidates, successful or not, normally within 1 to 2 weeks.

Qualifications
To be considered for promotion to principal and vice-principal, candidates are required to have completed both Part I and Part II of the Principal's Qualifications. The job ad notes that applicants for vice-principal must hold Part I and Part II of the Principal's Qualifications. If they don't yet hold these qualifications, they should indicate the locations and dates of commencement and completion of the courses.

In addition, those seeking to advance to principal must have completed at least 2 years of successful experience as a vice-principal, Administrator — School Support Services, or equivalent of a System Level Administrator. Those seeking to advance to vice-principal must have completed at least 5 years as a teacher.

All applicants must also have teaching experience in at least two divisions (Primary, Junior, Intermediate, Senior), and must demonstrate superior interpersonal and communication skills, effective organization and management skills, and outstanding instructional leadership skills.

Leadership Readiness Document (LRD)
The LRD is intended to assess the applicant's demonstrated leadership skills. It asks candidates to specify:

- Completion of PQP1 and PQP2

- Specialist qualifications

- How they have demonstrated a wide range of educational experiences and grade and course assignments

- Leadership activities completed at their Board

- Outline experiences that positively impacted student achievement and that demonstrate their readiness to assume the principal or vice-principal role, using the Ontario Leadership Framework. Outlining an example which demonstrates their leadership in the areas of 1) improving the instructional program, 2) building relationships and developing people, 3) communication, and 4) school operations.

Confidential Supervisor's Summary
The Confidential Supervisor's Summary asks for the candidate to be assessed on 1) improving the instructional program, 2) building relationships and developing people, 3) communication, and 4) school operations. They are also asked to provide an overall rating, e.g., Not Ready, Approaching Ready, or Ready, and to identify areas of growth or experiences that would benefit the candidate if they are rated as not ready or approaching ready.

Superintendent's Input
The candidate's superintendent is also asked to assess the candidate's areas of strength and areas requiring growth and experience, and provide an assessment of their readiness for promotion.

Process
The DSBN's elementary principal and vice-principal promotion processes are open to internal and external applicants who have the required qualifications. Because of the lack of internal applicants, in 2017–2018 a promotion process for external applicants was included, along with a process for internal applicants. The Board's promotion process reflects its Leadership Framework, which incorporates the practices and competencies of the Ontario Leadership Framework for principals and vice-principals.

In the 2018–2019 school year, the elementary process occurred as follows:

- September 20 — Posting for applications

- October 25 — Applications due

- November 1–9 — Confidential Supervisor's summary letters requested and returned

- November 15 — HR prepares packages and distributes to Area Superintendents

- November 19 — SO input meeting to select candidates for interviews. HR prepares summary. Area SO notifies candidates

- November 28 — Elementary vice-principal interviews

- November 29 — Elementary principal interviews

The secondary vice-principal process followed similar timelines, with interviews held on December 11.

This process varies somewhat from the process outlined in the Selection and Placement Process: Principal and Vice-Principal Administrative Procedure in that the process outlined includes the input of the Area Superintendents, which is not stated in the administrative procedure.

The job ad notes that the selection process consists of three components:

- Input from immediate supervisor, and former supervisor if applicable

- Senior administrator input

- Interview

Interview Questions
Each interview is allotted 30 minutes and consists of 4 to 6 questions, with a 5-minute break between interviews. One schedule showed 11 interviews conducted on one day, beginning at 8:30 and concluding at 3:23, with a half-hour break for lunch.

Candidates are asked to arrive 20 minutes before their scheduled interview and are provided with the first question.

The interview questions cover a range of topics. Candidates are also given the opportunity to provide additional information they feel that the panel should consider.

The forms used by interviewers provides look-fors, but don't allow for scoring of candidates.

Writing materials are provided at the interview, and a written copy of the questions is available to candidates for reference during the interview.

Job ad
The job ad for the most recent elementary process was posted on September 20 and closed on October 25. For secondary vice-principals, the ad was posted on October 12 and closed on

November 15. It was open to both internal and external candidates. The job ad is posted on the DSBN's website, which notes that the fillable PDF version of the Leadership Readiness Document is available on the Board's website.

Conclusions & Recommendations

Interviews

In some cases, the interview package does not allow for the scoring of candidates' responses to the interview questions, and interview schedules do not always appear to allow time between interviews to discuss each candidate. Some staff, however, do report that there is a great deal of discussion which occurs between and after interviews. When they do not have time between interviews to engage in a full discussion, they discuss the candidates at the end of the day.

When sufficient time for discussion is not allocated, those on the interview panel may be forced to make immediate decisions, which may lead them to rely on biases and favour those with whom they've previously worked and those most similar to themselves. It is best practice to leave sufficient time between interviews so that those on the interview panel are able to discuss the candidate's responses to each question and score the responses against the look-fors.

An outline of the process notes that "Handshakes are not required upon entering or leaving the interview." While it is good practice not to shake hands during interviews, given its ability to reinforce stereotypes and biases, this statement could do more to discourage this practice. Studies have found that hiring decisions oftentimes are influenced by the quality of the candidate's handshake. This may put candidates from equity-seeking groups at a disadvantage, particularly those from cultures where this is not a regular practice as well as those with disabilities, such as arthritis. As such, it is best practice not to shake hands at an interview.[47]

Recommendation 25: It is recommended that Human Resources provide guidance to those involved in the hiring process to ensure that the schedules allow sufficient time between interviews to discuss and score the candidate.

Recommendation 26: It is recommended that Human Resources provide guidance to those involved in the hiring process not to shake hands at an interview.

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[47] Edmond, C. (2013, August 7). Human Resources Director. All in the wrist: The bizarre case of handshake bias. Human Resources Director. Retrieved from https://www.hcamag.com/au/specialisation/recruitment/all-in-the-wrist-the-bizarre-case-of-handshake-bias/139010

Job ad

The job ad does not include an equity statement nor does it mention that accommodations will be provided upon request.

Recommendation 27: It is recommended that the Board develop an equity statement that mentions that accommodation will be provided upon request, that is on the Board's Career Opportunities webpage, and consistently included on all job ads.

Mentoring and support

Principals play a central role in the advancement of teachers into leadership positions. As such, developing and offering guidance and tools for principals, coupled with effective monitoring and accountability mechanisms, would support principals to encourage and develop emerging leaders from the equity-seeking groups. This is particularly important given the pervasive perception among employees that advancement into leadership positions within this Board is based more on relationships than merit.

In organizations without formal mentoring programs, it is typical for leaders to mentor those who look like them and have similar backgrounds.[48] This reliance on informal processes creates an advantage for some employees and undermines the advancement of employees from the equity-seeking groups. It also serves to reinforce negative perceptions about the lack of ability of employees from the equity-seeking groups, because they do not advance within the organization to the same extent as employees from other groups. This can then reinforce unconscious bias that certain groups lack the ability and ambition for leadership positions.

Recommendation 28: It is recommended that principals be encouraged to informally support staff from equity-seeking groups wishing to advance while the Board also put in place formal supports for these employees.

Perceptions of a biased process

The perception of a biased promotion process itself creates a barrier, as not everyone interested and capable of promotion will seek advancement.

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[48] See for example:

Mitchell, L. (2015, April 14). Affinity bias key blocker for women in high profile overseas assignments. Mitchell Services. Retrieved from http://mitchellservices.net.au/affinity-bias-key-blocker-for-women-in-high-profile-overseas-assignments/

Australian Government. (2015, August 3). Unconscious bias. Retrieved from http://www.apsc.gov.au/publications-and-media/current-publications/human-capital-matters/2016/unconscious-bias

In addition, the inconsistency and lack of transparency regarding the extension of the appointment of teachers to central positions could cause employees to perceive there to be bias in the process.

Recommendation 29: It is recommended that the Board communicate any changes made to the promotion process to all staff to strengthen employee confidence in a fair and bias-free process that supports the equitable success of candidates from the equity-seeking groups.

Recommendation 30: It is recommended that the Board develop clear guidelines for regarding the extension of the appointment of teachers to central positions to ensuring consistency and transparency.

Ongoing monitoring and adjustment to the promotion process
We recognize that there is no one best promotion process. We also realize that adjustments to the process could have unintended consequences that continue to limit the number of employees from the equity-seeking groups who apply for promotion and who are successful in the process. As such, the Board needs to engage in ongoing monitoring of outcomes and adjustments to the promotion process to ensure that it supports the advancement of employees from the equity-seeking groups.

Recommendation 31: It is recommended that the Board annually review its promotion process and the demographic data on who is applying and who is successful to identify whether potential barriers to advancement exist for particular groups and examining how the process could be improved.

10.   Working Conditions

This section examines aspects of the workplace that make employees feel welcomed and valued and allow them to fully contribute to the organization. These aspects include accommodation, work environment, as well as violence, harassment, and discrimination prevention efforts.

The Canadian Human Rights Commission has identified the examination of attitudes and behaviours within an organization as contributing to the achievement of workplace equity and, consequently, it is a key component of an ESR. The Commission notes that without this analysis, significant barriers can be missed by the organization, particularly when negative attitudes, stereotypes, and corporate culture play an important role in hiring and advancement.[49]

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[49] Employment Systems Review: Guide to the audit process. Canadian Human Rights Commission. December 2002.

While an unwelcoming work environment negatively affects the equity-seeking groups, it can also impact the work environment of other employees and have implications for the organization as a whole. Unhealthy workplaces have been linked to low productivity, high absenteeism, high turnover, high legal costs, and many hours of staff time needed to deal with a host of employee issues. Studies have also found that employees who work in workplaces that are not welcoming and inclusive are more likely to leave for other jobs, take extended leaves of absence, and retire early.[50] Unhealthy workplaces also negatively affect the mental health of employees,[51] which has become the leading cause of short- and long-term disability absences.[52]

A work environment that is known to be unwelcoming to employees from the equity-seeking groups can also pose challenges to an organization that is trying to recruit from these communities. Being seen as an unwelcoming employer by those in diverse communities could make it extremely difficult to hire top talent from an increasingly diverse labour market. Alternatively, being seen as an organization that welcomes diversity has become increasingly important as employees from the Baby Boom generation begin to retire in larger numbers and employers compete for recruits from a younger and more diverse population.

Organizations must also keep in mind their need to comply with various pieces of legislation that require them to create workplaces free from violence, harassment, and discrimination. Further, the Ontario *Human Rights Code* and the AODA require organizations to provide accommodation to current and prospective employees, short of undue hardship. While accommodation is to be provided based on any human rights protected ground, it is most frequently requested on the basis of disability, religion, family status, sex (related to pregnancy), age (related to disability), and gender identity.

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[50] See for example:

Summary Report on Engagement Sessions for a Racism-Free Workplace. John Samuels and Associates for Labour Program, Human Resources and Social Development Canada. March 2006. See also *A Business Case for Diversity.* Dr. Jeffrey Gandz. Updated Fall 2001.

Bailey, S. (2014, May 20). Why diversity can be bad for business (and inclusion is the answer). Forbes. Retrieved from https://www.forbes.com/sites/sebastianbailey/2014/05/20/why-we-should-prioritize-the-i-in-d-and-i/#2e8461da600d

[51] Mental Health Works. How can the workplace contribute to or create mental health problems? Retrieved from http://www.mentalhealthworks.ca/how-can-the-workplace-contribute-to-mental-health-problems/

[52] Chai, C. (2017, May 5). 500,000 Canadians miss work each week due to mental health concerns. Global News. Retrieved from https://globalnews.ca/news/3424053/500000-canadians-miss-work-each-week-due-to-mental-health-concerns/

Where organization-wide barriers exist, employers are expected to actively identify and remove them rather than deal with individual requests for accommodation. Where undue hardship prohibits the immediate removal of the barrier, interim or next-best measures should be put in place until more ideal solutions can be attained or phased in.

10.1   Accessibility and accommodation for persons with disabilities

The Ontario *Human Rights Code* prohibits discrimination on the basis of disability. In addition to complying with the Code, the DSBN must also comply with the requirements of the AODA to make the organization and its services fully accessible to students, staff, and members of the community who have a disability. Failure to provide equal access to a facility or equal treatment in employment or customer service could violate the AODA and/or be a form of discrimination under the Code.

Accessibility and accommodation are fundamental and integral parts of the right to equal treatment in the workplace. This requirement may mean that certain aspects of the workplace or the duties of a job may have to be changed to accommodate any employee protected by the Code. Providing accommodation to employees creates a work environment that is flexible in how and when work is completed; a physical environment that allows all individuals to have equal access to the workplace and work tools; and an atmosphere in which all employees are able to fully engage in the work environment.

Findings

Accessibility Plan 2010–2020
The AODA requires that school boards:

- Prepare an accessibility plan

- Consult with people with disabilities in the preparation of the plan

- Make the plan public, and

- Prepare an annual status report on the progress of the plan and post the status on the organization's website.

The Accessibility Committee consulted with people with disabilities, who provided input into preparation of the Accessibility Plan 2010–2015. A new committee reconvened and provided input into amendments to the plan so that the Accessibility Plan would continue until 2020.

The DSBN's Accessibility Plan 2010–2020:

1.   Describes the process by which the DSBN will identify, remove, and prevent barriers for people with disabilities

2.   Reviews efforts at the DSBN to remove and prevent barriers for people with disabilities during 2010–2015

3.   Lists the policies, procedures, programs, practices, and services that the DSBN will review in the coming years to identify barriers for people with disabilities

4.   Describes the measures the DSBN will take from 2016 to 2020 to identify, remove, and prevent barriers for people with disabilities, and

5.   Describes how the DSBN will make the Accessibility Plan available to the public.

The DSBN also continues to identify and remove architectural and physical barriers. Newly constructed schools have architectural features that incorporate the principles of universal design, meeting government accessibility standards as identified in the Ontario Building Code. The planned addition or renovation to many current facilities also allows many of these buildings to become barrier-free for all people. Renovations completed to date have modified the entrance and washrooms or modified or added elevators or lifts to make Board facilities more accessible.

Staff are encouraged to report barriers that they may encounter at DSBN sites or obstacles that they believe could be barriers to those with disabilities to their Administrator/Supervisor. This information will then be communicated to the Accessibility Committee. Alternatively, staff can report these barriers directly to a committee member. The Accessibility Committee will take into account all recommendations or concerns made known to them when determining which projects should be taken on next to improve accessibility at DSBN schools.

Accessibility Standards for Employment Policy
This policy supports the Board's compliance with the AODA. It states the DSBN's commitment "to ensuring that people with disabilities have the same opportunity of access to employment opportunities and services as do all employees and prospective employees."

In addition to stating the Board's commitment to providing accommodation during the hiring process, the policy commits the Board to:

- Providing individualized workplace emergency response information to employees who have a disability, if the disability is such that the individualized information is necessary and the employer is aware of the need for accommodation due to the employee's disability

- Developing and have in place a written process for the development of documented individual accommodation plans for employees with disabilities

- Developing and having in place a return to work process for its employees who have been absent from work due to a disability and require disability-related accommodations in order to return to work

- Taking into account the accessibility needs of employees with disabilities, as well as individual accommodation plans, when using its performance appraisal process in respect of employees with disabilities, providing career development and advancement to its employees with disabilities, and redeploying or reassigning employees with disabilities.

Accessibility Handbook

The Accessibility Handbook is a resource for DSBN staff to increase awareness and sensitivity about barriers for parents and members of the public with disabilities using schools and other Board facilities.

The handbook contains a range of content, including the disability continuum; terminology guide; communicating with people with disabilities; overall attitudes and approach; things to remember; how to help; creating accessible meetings; communication suggestions; guiding principles for reviewing policies/practices; effective strategies for interacting with people with different disabilities; understanding barriers to accessibility; and using the phone to speak with a person with a disability.

Employee Workplace Emergency Response Plan

While each school has an evacuation plan, the plan does not identify which adults would require assistance should evacuation be required, either for school-based staff or staff in other Board offices and facilities. In addition, while the Disability Support Team includes assistance for staff in the safety plan when they become aware of it, there isn't any proactive effort taken to ask staff whether assistance would be needed in case of an emergency.

Under the Employment Standard of the AODA, employers must create an individualized workplace emergency response plan for any employee with a disability who needs assistance during an emergency. An individualized workplace emergency response plan is a written document that details all assistance a worker needs during a workplace emergency.

In addition, employers must provide emergency information to employees with disabilities in formats they can access. Emergency information is any visual or audio material that explains what workers should do if there is an emergency at the workplace. This may include posters displayed in the workplace or videos revised during training.

Disability Management — Early Intervention, Accommodations, and Return to Work Administrative Procedure

This administrative procedure guides the Disability Management Program, which "provides employees with a safe and timely transition from illness/injury that allows them to remain at work or return to work. When appropriate, the program assists employees by providing rehabilitation support, accommodations or modifications to remain at work, gradual return to work and/or modified work prior to commencement of regular full-time, part-time or occasional work."

The procedure also addresses the responsibility of the DSBN when a permanent disability exists "to modify both the work and the workplace to accommodate the needs of the permanently disabled employee, based on medically-supported restrictions/limitations, provided that it does not cause undue hardship to the DSBN."

Attendance Support Program Policy

The Attendance Support Program "is based on the belief that employees wish to be at work and fulfill their responsibilities." It takes a problem-solving approach to deal with issues that do arise. The resulting solution will normally return the employee to work as early and as safely as medically possible. The policy states that it "combines both prevention and intervention to achieve the goals of personal and workplace wellness."

Attendance Management Administrative Procedure

The purpose of this procedure is "to provide non-discriminatory and supportive assistance to employees who exceed the District School Board of Niagara's (DSBN) established absence threshold." When an employee's absences exceed the established threshold, Human Resources initiates the process. Where a medically supported disability is identified, DSBN will support the employee's transition into the disability management program.

The procedure also specifies the four levels of coaching that may occur. If the employee has progressed to Level 4 and the DSBN determines that:

(a) It has fulfilled its obligation under the applicable collective agreement and/or policies and procedures, the *Workplace Safety and Insurance Act*, Ontario *Human Rights Code*, and any other applicable legislation; and,

(b) The employee's absenteeism is excessive and there is no reasonable likelihood that the employee will be able to attend work regularly in the foreseeable future.

Then the employee may be advised that their employment is being terminated on a non-disciplinary basis.

Alternatively, employees may remain in the program but enter into a new review period of up to 12 working months. When an employee does not exceed the threshold in the review period, they will exit from the program.

The procedure also identifies the responsibilities of employees, supervisors/principals, Human Resources, and Superintendents.

Attendance Management Process
This document outlines the process for supporting employees to address the issues impacting their attendance at work. It includes a preliminary meeting to understand the issues that may be preventing the employee from regularly attending work, an offer of support and guidance, as well as the opportunity to set attendance goals for the next 90 working days.

Sick Leave
As per the DSBN's polices and collective agreements, staff are required to provide a sick note after 5 consecutive sick days. Failure to provide a note may result in sick time being suspended until such a note is provided. In addition, the Board may require a medical note at any time to support an absence; this is normally only required when there is a pattern of absence or in situations in which the employer may be concerned over the legitimacy of the absence.

At the start of each school year, all permanent employees are provided the following (prorated to part-time status for part-time employees): 11 days of sick time paid at 100% and 120 days of sick time paid at 90%. Sick time can be used for medical and dental appointments for the employee only and not for any other family members. Each collective agreement and the *Employment Standards Act* provide for additional leaves that are available.

The sick time at 131 days was negotiated by the former government during the 2012–2013 collective bargaining process in which gratuity payments were eliminated and sick days were provided. The result has been an increase in sick usage across the province, leading to more Boards implementing attendance programs and looking at alternate ways to manage the increased absence rates.

Board Mental Health and Addictions Strategy 2018–2021
The DSBN multi-year Mental Health Strategy provides "the framework to support and empower everyone to achieve the foundation for sustainable mental health and well-being." Its focus is on supporting the mental health of students, and does not address the needs of staff.

Workplace Wellness Policy

This policy supports the DSBN "to provide a supportive work environment which encourages employees to make thoughtful choices regarding healthy living that contribute to their personal well-being." The primary focus of the Workplace Wellness Program is to raise awareness, educate, and encourage smoke-free living, sound nutrition, physical fitness, and stress management. The program is supported and promoted by the Workplace Wellness Committee.

Employee Perceptions

Attendance Management: Through the online survey and focus groups, staff shared their perceptions of the Attendance Management Program. All the employees who commented on the Attendance Management Program shared a fear of the program and the feeling that it was not helpful but punitive instead. As one survey respondent noted:

> *There are very clear expectations around absences, and while I have never had to participate in the attendance management program, it seems as though everyone lives in fear of that. Most staff I know feel like they must be at work unless they are incredibly sick.*

Requesting accommodation: Through the Workplace Equity and Inclusion Survey, staff were asked whether they would feel comfortable requesting accommodation based on a number of grounds, including physical disability and mental health issue. The largest proportion (65%) indicated that they would feel comfortable requesting accommodation because of a physical disability. However, only 34% of survey respondents agree that they would feel comfortable requesting accommodation based on a mental health issue.

The survey also allowed staff to share their experiences requesting and receiving accommodations for a disability, as well as their perceptions about requesting accommodation for a disability. These include the following themes:

Good experiences / Perceptions: Some staff shared their perception that the process works, in that they have requested and received accommodation themselves or have witnessed colleagues receiving accommodation. In particular, they note that recent changes to the process have improved the program. As some noted:

> *I think everyone is fine with accommodations for any needs.*

> *I believe my school administrators are supportive and want to help staff and accommodate.*

> *From the experiences that I have witnessed, the DSBN tends to be pretty good about accommodating people that have temporary physical disabilities.*

> *Everyone here at [my location] is fantastic and understanding.*

> *I find that the DSBN HR and Wellness processes and approaches have improved recently and are highly worker-friendly and supportive. Very refreshing.*

Unpleasant experiences / accommodations denied: Some survey respondents shared unpleasant experiences requesting accommodation and/or their experience of requesting accommodation and having it denied. Some also shared experiences of being targeted by managers or administrators after disclosing the need for an accommodation:

> *Accommodations recommended by my doctor in returning to work were denied multiple times.*

> *My experience has been that most teachers do not like to ask for accommodations and therefore often struggle through on their own with the support of just a few close confidants.*

> *Workplace currently is not accommodating about any personal issues. There have been many examples brought to management and nothing has been done to help, and quite often the opposite has happened where management has now targeted staff with known issues to make their life more difficult. Zero trust, zero respect, zero confidence that sharing anything with management will lead to help or turn out to be positive.*

> *The Board seems to be getting better at accommodating for mental health reasons. However, it still seems selective. Younger staff with mental health issues seem to be accommodated but older staff or staff close to retirement do not receive the same support.*

While the Board's process includes the need for a medical assessment and note, some staff felt that the process is too prescriptive and that staff are poorly treated during the process:

> *I was having pain in wrists, back, etc., and contacted the board to have my work station examined for ergonomics… I had to get a medical note from my doctor to say there was an issue.*

> *DSBN treats staff poorly especially those who take leave for mental health reasons. They make it difficult for them to return to work and frequently paper work is mislaid.*

This suggests that staff could benefit from better understanding the process and the need for a medical assessment in order to provide accommodation for a disability.

Hesitancy to request accommodation: Those who completed the survey also expressed the need for accommodation, but also a hesitancy to make their needs known for a number of reasons, including stigma, perceived impact on career, and perception of the need to disclose their diagnosis. The stigma associated with having a mental health issue was a recurring theme. As such, there are staff who shared their perspective that while they may need accommodation, the impact of the stigma associated with a mental health issue would stop them from requesting accommodation:

> *Must embarrassingly admit mental disability as a teacher in order to receive accommodations at work.*

> *Mental health is still very much a stigma; some administrators are unforgiving of others' struggles.*

> *I wouldn't feel comfortable asking for accommodation for some of the things listed because I have heard staff comments in the past and would not want to be subjected to them.*

> *I would definitely not disclose any issues to the board regarding issues in these areas for fear that I would be marginalized and possibly have it used against me in the future (i.e. promotions, reviews, harassment).*

Employees were also asked whether they would be supportive of coworkers who may require an accommodation based on a physical disability or mental health issue — 97% indicated they would be supportive of a colleague with a physical disability, and 93% would be supportive of a colleague with a mental health issue. However, in their comments to the survey, a number of staff shared that while they were supportive of accommodation, their support was limited due to the impact on themselves. There were also a few staff who expressed suspicion that requests for accommodation were legitimate rather than excuses by some to shirk their work responsibilities.

> *I am in favour of accommodation. However, depending on the impact on myself and my workload, I may be less understanding of accommodation.*
>
> *It is usually through laziness that they request these accommodations. Faked illness or injury, fear and trying to pawn harder work onto others.*

Physical barriers: In addition, the need for gender-inclusive washrooms was raised a few times, particularly when washrooms contain single stalls. This is important for people with disabilities who may require more immediate access to the facilities, but also for trans staff. As one person noted:

> *There are insufficient staff bathrooms, specifically when they are designated as 'male' and 'female' bathrooms. There are typically more females in a school. If the single bathrooms were available to all genders, it would be better.*

Attitudinal barriers: Throughout the conversations about accommodations is the attitudinal barriers that persons with disabilities face, particularly when their disability is non-evident. In addition to the earlier comments in this section, examples were provided of the feeling that people with non-evident disabilities were "faking" or a general reluctance to provide accommodation. For example, one person noted that they have a non-evident disability which required them to use the elevator. Their experience receiving the key led them to wonder whether they would be treated the same if their disability were evident, such as if they used a wheelchair.

Conclusions & Recommendations

Accessibility Plan

The multi-year accessibility plan describes the measures that the Board has taken to make Board facilities more accessible for students, staff, and the public. This includes making renovations to existing facilities and incorporating the principles of universal design into the construction of new buildings.

While the *Human Rights Code* applies to facilities that fall under the Ontario Building Code, the Commission recognizes that most businesses, designers, and builders are aware only of the minimal accessibility requirements of the Building Code and not the often higher obligations for accessibility mandated by the *Human Rights Code.* However, reliance on relevant building codes has been rejected as a defence to a complaint of discrimination under the *Human Rights Code*.[53]

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[53] See Quesnel v. London Educational Health Centre (1995), 28 C.H.R.R. D/474.

Recommendation 32: It is recommended that the DSBN ensure that new construction and renovations go beyond the minimum accessibility requirements of the Ontario Building Code and meet its obligations for accessibility mandated by the Ontario *Human Rights Code.*

Accessibility Standards for Employment Policy
This policy is not accompanied by an administrative procedure to support its implementation. The policy should be updated and administrative procedure developed to identify the responsibilities of staff at various levels of the organization to ensure compliance with all standards developed under the AODA.

Recommendation 33: It is recommended that an administrative procedure be developed, noting the responsibilities of staff at various levels of the organization, to support the implementation of the Accessibility Standards for Employment Policy.

Employee Workplace Emergency Response Plan
While online training is provided, the AODA requires that the DSBN have a process to determine how and by whom information should be collected from employees who require assistance to evacuate during an emergency. This should identify the type of assistance needed, the preferred method of communication in an emergency situation, and a summary of conditions, sensitivities, disabilities, and accommodations. This process should also allow the employee to identify whether they require a personal emergency preparedness kit, emergency evacuation routes, and an emergency assistance network.

Recommendation 34: It is recommended that the Board develop a process, supported by a policy and administrative procedures, to ensure that a plan is developed for all employees who require assistance to evacuate during an emergency.

Disability Management — Early Intervention, Accommodations, and Return to Work Administrative Procedure
While this policy addresses the need to provide temporary or permanent accommodations to employees with disabilities, it could be strengthened to support the Board to meet its legal obligations under the Ontario *Human Rights Code* by specifying the Board's obligation to:[54]

- Be alert to the possibility that a person may need an accommodation even if they have not made a specific or formal request

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[54] http://www.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability/8-duty-accommodate

- Accept the person's request for accommodation in good faith, unless there are legitimate reasons for acting otherwise

- Get expert opinion or advice where needed (but not as a routine matter)

- Take an active role in ensuring that alternative approaches and possible accommodation solutions are investigated, and canvass various forms of possible accommodation and alternative solutions

- Keep a record of the accommodation request and action taken

- Communicate regularly and effectively with the person, providing updates on the status of the accommodation and planned next steps

- Maintain confidentiality

- Limit requests for information to those reasonably related to the nature of the limitation or restriction, to be able to respond to the accommodation request

- Consult with the person to determine the most appropriate accommodation

- Implement accommodations in a timely way, to the point of undue hardship

- Bear the cost of any required medical information or documentation (for example, the accommodation provider should pay for doctors' notes, assessments, letters setting out accommodation needs, etc.), and

- Bear the cost of the required accommodation.

Based on the comments provided through the survey and the discussions in the focus groups, it appears that more could be done to educate supervisors about the Board's duty to accommodate and the roles and responsibilities of all parties in the process. It is important to educate managers and administrators about the various types of disabilities, particularly disabilities that are non-evident and sporadic.

Recommendation 35: It is recommended that the Board update the Disability Management — Early Intervention, Accommodations, and Return to Work Administrative Procedure to make it consistent with guidelines from the Ontario Human Rights Commission. The policy should clearly state that any reprisal against an employee for requesting or receiving accommodation is a violation of the policy.

Recommendation 36: It is recommended that the Board provide appropriate education and training for all managers and administrators about their duty to accommodate persons with disabilities. This training should also help supervisors and administrators understand the range of physical and mental disabilities, both evident and non-evident, for which accommodation may be requested and the types of accommodation that may be provided. Emphasis should be

placed on explaining the Board's legal obligations under the Ontario *Human Rights Code*, as well as how accommodation helps get the best from employees, so that accommodation is not seen as special treatment provided to some employees.

Recommendation 37: It is recommended that the Board educate all employees about their rights regarding workplace accommodation and the process of obtaining said accommodation. Emphasis should be placed on explaining the Board's legal obligations under the Ontario *Human Rights Code* as well as how accommodation helps get the best from employees, so that accommodation is not seen as special treatment provided to some employees.

Staff Mental Health and Addictions Strategy
Based on input from staff through the consultations for this ESR, greater attention needs to be placed on the mental health of staff. A Staff Mental Health Strategy can be developed to build knowledge and capacity; develop mentally healthy environments; reduce stigma; and create collaborative care pathways. The strategy can also identify the responsibility of supervisory staff to create working environments that are responsive to supporting staff members and to modelling and promoting positive mental health. The Board can also conduct a staff survey to assess and address psychological health and safety in the workplace.

Recommendation 38: It is recommended that the DSBN develop a Staff Mental Health and Addictions Strategy, with input from staff through a staff survey. The strategy should address the need to inform managers and administrators of their duty to accommodate per the Ontario *Human Rights Code*, inform employees of their right to accommodation based on any human rights protected ground, explain the process for requesting such accommodation, and address the stigma associated with mental health issues.

Washrooms
Access to washrooms is an issue for people with various types of disabilities who require immediate and private access to a washroom. Single-stall, accessible, gender-inclusive washrooms should be available not only to people of all abilities, but to people of all genders and sexes.

Recommendation 39: It is recommended that the Accessibility Committee explore a process and timelines for making staff washrooms gender-neutral.

Physical Barriers
Given the high cost of retrofitting existing buildings to ensure they are accessible, the Board needs to prioritize this work. Allowing staff to identify existing physical barriers allows the DSBN to identify and prioritize these needed renovations.

Recommendation 40: It is recommended that the DSBN develop a mechanism by which staff are able to identify physical barriers, to enable these barriers to be considered among other priorities for renovations.

10.2   Religious accommodation

The Ontario *Human Rights Code* requires the DSBN to accommodate employees based on any human rights protected ground, including religion. Typically, issues related to religion arise in the workplace with respect to dress code, time off for religious observance, breaks, prayer space, scheduling of shifts, and scheduling of interviews.

Findings

Equity and Inclusive Education Compliance Guidelines
This procedure ensures the DSBN's compliance with Ontario's Equity and Inclusive Education Strategy and includes the need to provide religious accommodations to staff. The procedure commits the DSBN to:

- Consulting with members of the multiple faith communities that represent the Board in the development, implementation, and review of this policy
- Informing staff of their right to request accommodation for religious beliefs and practices
- Preparing a religious accommodation guideline in keeping with the Ontario *Human Rights Code*, which prohibits discrimination on the grounds of creed, and other Code-protected grounds, and provides a duty to accommodate, and
- Providing religious accommodation for students and staff consistent with the Code.

Religious Accommodations Guidelines
The DSBN's religious accommodations guidelines includes a statement of commitment to providing religious accommodation:

> The District School Board of Niagara acknowledges each individual's right to follow or not to follow religious beliefs and practices, free from discriminatory or harassing

behaviours and is committed to taking all reasonable steps to provide religious accommodations to staff and to students.

The document describes the legislative and policy context, includes definitions, provides accommodation guidelines, and lists general guidelines and procedures for providing various religious accommodations, including prayer, dietary requirements, fasting, religious dress, etc. It goes on to list descriptions of religious requirements, practices, and observances for various religions, including those of Indigenous people. The document contains a number of appendices, including checklists for administrators, schedule considerations, as well as resources and contacts.

Absences of employees "are granted for the observance of religious holy days in accordance with the appropriate article within their respective collective agreements. Unless specifically referenced in their collective agreements, employees will be granted absence due to religious observances under the 'special circumstances' clause." In the guidelines for administrators, it states that staff who request to observe a holy day should be allowed this right. It also allows staff to appeal a denial to the Superintendent of Human Resources.

In addition, the guidelines note that "To the extent possible, conferences, meetings, workshops, co-curricular activities and exams/tests, will not be scheduled on significant faith days."

Days of Significance
Days of significance are identified in the new Days of Significance calendar. In addition, the guidelines note that the Board will make attempts to ensure that conferences, meetings, workshops, co-curricular activities, and exams/tests will not be scheduled on significant faith days. While these dates are not included in the DSBN system calendar, an electronic multicultural calendar, wall poster sized calendar, and wall calendar are available at each school and for each superintendent for planning purposes. In addition, monthly updates are distributed to schools highlighting upcoming days of significance and strategies for ensuring students and staff are supported.

Employee Perceptions
Through the Workplace Equity and Inclusion Survey, staff were asked whether they would feel comfortable requesting accommodation based on religion — 35% indicated that they would feel comfortable doing do. Staff were also asked whether they would be supportive of their coworkers who may need accommodation based on religion — 87% of survey respondents indicated that they would be supportive.

The comments on the survey indicated that there were some staff who feel that Christians are ridiculed in the Board and don't receive the same accommodations or celebrations that other religions do. Conversely, there are those who feel that Christianity is centred throughout the Board. As one survey respondent noted:

> *Religious statements and commentary should not appear in any DSBN document or manual. It may not be scripture but the thinly veiled Christian focus continues to be prevalent in materials when quoting [various people].*

As such, when asked about accommodation, a number of employees shared hostility toward the DSBN providing religious accommodation to staff for various reasons, including the feeling that religious accommodation brings religion into the workplace and hostility to non-Christian religions.

> *Religion does not belong in a work place.*

> *I think I am a little prejudiced against religious accommodation. I think religion is a personal practice and I feel that it shouldn't disrupt students' learning or ability to form their own opinions. I think people who practice religion need to moderate their behaviours out of respect for the diversity of the classroom.*

> *Some religious views clash with modern progressive western society.*

Other employees shared their perspective that religious accommodation is special treatment for some employees and felt that employees who are not religious should also be provided additional days off in the name of equity. As one person shared:

> *I FEEL THAT TRUE EQUITY REQUIRES THE SAME ACCOMMODATION BE MADE FOR EVERYONE EQUALLY. IF SOMEONE GETS EXTRA TIME FOR RELIGIOUS PURPOSES, EVERYONE SHOULD GET THAT TIME, NOT NECESSARILY AT THE SAME TIME BUT EQUIVALENT. [Emphasis theirs.]*

Conclusions & Recommendations

Employee Attitudes

If the DSBN is to meet its legal obligations to provide accommodation to employees based on religion, it appears that it needs to do much more than provide information to staff. The Board must educate all staff about the DSBN's legal obligation to provide accommodation based on any human rights protected ground so that those requesting religious accommodation don't experience backlash in the workplace.

Recommendation 41: It is recommended that the DSBN educate all employees about the legal duty of the Board to provide accommodation to employees based on any human rights protected ground, including religion.

10.3   Work/life balance and accommodation of family responsibilities

In Canadian society, women continue to bear primary responsibility for child and elder care. Women with children continue to struggle to balance the demands of their careers with caring for their families. Workplaces that are not supportive of women with family responsibilities can limit the ability of female employees to contribute their best to their work and their ability to advance in the organization.

Employers also have a duty to accommodate employees based on family status. Under the Code, family status means the status of being in a parent–child relationship. As such, accommodation of family responsibilities could include accommodating the need to care for children as well as parents.

Findings

Collective Agreement Provisions
The collective agreements and Board policies offer various types of support to employees to address family responsibilities, including:

- Bereavement Leave

- Leaves for Personal Reasons

- Pregnancy / Parental / Adoption Leave

The collective agreements provide a range of leave options for employees to attend to child and family care responsibilities. The wording is sufficient to provide for leaves for same-sex couples as well as common-law couples.

Pregnancy / Parental / Adoption Leaves Policy and Board Policy
The various collective agreements as well as the General Terms of Employment for the Administrative Management Group. These agreements grant pregnancy, parental, and adoption leave in accordance with the terms of the *Employment Standards Act,* and specify the process for requesting such leave.

Employee Perspectives

Graph 4 shows employee responses to questions on the Workplace Equity and Inclusion Survey about work/life balance and accommodation for family responsibilities.

Graph 4. Work/life balance and accommodation

Statement	Agree	Hard to Decide / Don't Know	Disagree
I am able to balance work and family responsibilities	78%	1%	21%
I feel confident discussing my work-life balance issues with my supervisor	63%	4%	32%

Legend: ■ Agree ▨ Hard to Decide / Don't Know ☐ Disagree
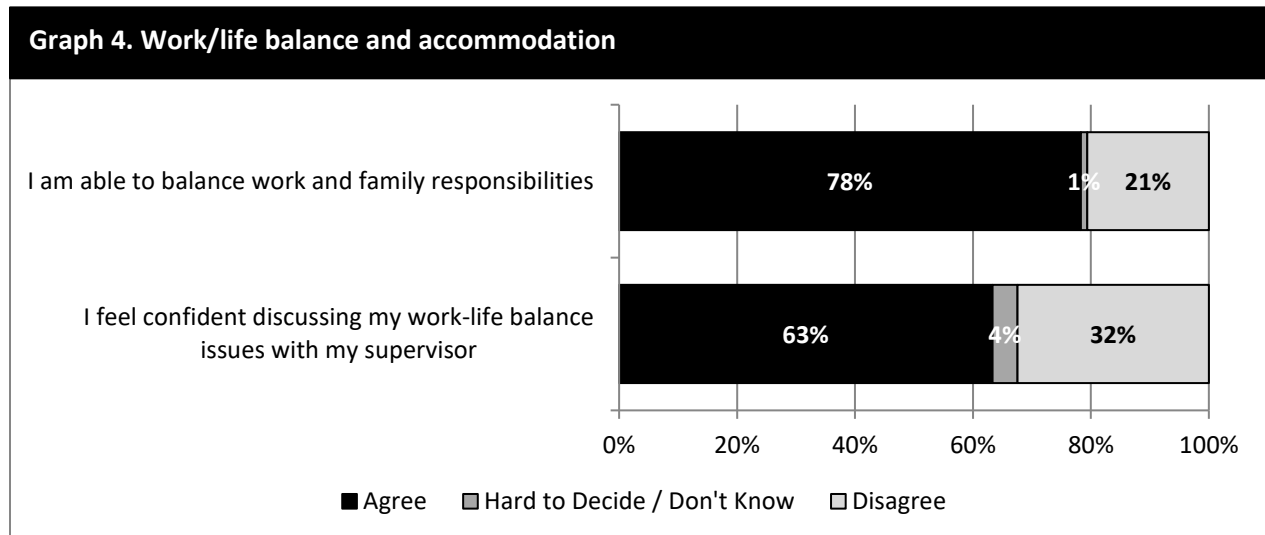
As the graph shows, 78% of respondents agree that they are able to balance work and family responsibilities, with less than a quarter of employee (21%) feeling that they could not. The survey also asked respondents whether, if they needed changes made at work to allow for a better balance between work and family responsibilities, they would hesitate to ask. 65% of survey respondents indicated that they would not hesitate to ask, while 32% indicated that they would hesitate to ask for the needed accommodation.

It is suggested practice within the Board that emails and text messages not be sent after working hours, unless there is an operational requirement or emergency. This allows staff to detach from work and supports a better work-life balance.

A number of the comments shared through the survey have to do with the nature of the teaching profession, which has been impacted by the increasing demands of the role over the years, the declining supports for students in the school, and the increasing number and complexity of student needs. While these issues are beyond the scope of this ESR, they provide important context to better understand the extent to which these employees feel they can have a healthy work/life balance. While teachers broadly expressed a high level of commitment to their jobs and understand that working after hours is the nature of the profession, the widespread sentiment among teachers is that there is too much paperwork, a lack of resources to support them, too many projects with competing priorities, too many committees and extracurricular activities, and too many students in one classroom. The combination of these

factors mean that they must work into the evening and on weekends, resulting in their needing to take time away from family, sleep, and physical activities to get work done.

These demands make it even more important for them to be supported to balance their work and home lives. The Workplace Equity and Inclusion Survey asked employees whether they would feel comfortable requesting accommodation based on family responsibilities — only 44% of survey respondents reported that they would feel comfortable doing so. When asked whether they would be supportive of coworkers who required accommodation based on family responsibilities, 92% indicated that they would be. Through the survey, respondents shared experiences of not being able to leave work to attend to an ill family member, not being able to take time off to attend to other family matters, and their hesitancy to request accommodation for family responsibilities.

> *I feel family obligations is often looked down upon, as in order to succeed in your career it is important to say yes to a lot of extra opportunities and that comes at the expense of family time. People should feel comfortable in asking for accommodations; however, people are less likely to ask for accommodations in regard to their family compared to other categories.*

There were a few employees who raised concerns about the need for accommodation due to pregnancy or breastfeeding. One person shared that they did not request the needed accommodation, while the need for an appropriate place to pump breastmilk was also raised.

Conclusions & Recommendations

If the DSBN is to meet its legal obligations to provide accommodation to employees based on family responsibility, staff need to be educated about the Board's duty to accommodate. In addition, managers/administrators as well as Human Resources staff need to fully understand their legal responsibilities in this regard.

Recommendation 42: It is recommended that the DSBN educate all employees, managers/administrators, and HR staff about the legal duty of the Board to provide accommodation to employees based on any human rights protected ground, including pregnancy and breastfeeding.

10.4   Respectful work environment

Findings

Workplace Violence and Harassment Prevention Policy
This policy commits the DSBN to the prevention of workplace violence and harassment and to protect the health, safety, and dignity of all employees in its workplace.

The policy:

- Defines workplace violence, workplace harassment, and workplace sexual harassment
- Notes that it is not intended to limit or constrain the reasonable exercise of management functions in the workplace
- Applies to all workplace activities that occur both at and away from the workplace
- Specifies the responsibility of everyone in the DSBN workplace to ensure a healthy, safe, and respectful work environment
- Commits DBN to ensuring the policy and the supporting programs are implemented and maintained and that workers and supervisors have the appropriate information and instruction to protect them from violence and harassment in the workplace
- Commits DSBN to investigating and dealing with all incidents and complaints of workplace violence and harassment in a fair and timely manner, respecting the privacy of all concerned as much as possible, and
- Commits DSBN to reviewing the policy annually.

Workplace Violence Prevention Administrative Procedure
This procedure supports the Workplace Violence and Harassment Prevention Policy by providing a mechanism for dealing with violence that occurs in the working and learning environment.

The procedure:

- Provides the definition of workplace violence used by the *Occupational Health and Safety Act*
- Commits DSBN staff to conduct workplace risk assessments
- Provides a Workplace Incident Report Form
- Provides procedures for investigating incidents of violence
- States that workers who file a report in good faith shall not be subject to reprisal
- Allows for mediated resolution
- Lists possible disciplinary actions
- Outlines work refusal

- Addresses the need to disclose information about people with a history of violence, and
- Discusses the need to address domestic violence.

The procedure includes a number of appendices, including Employee Survey, Risk Assessment Checklist, Workplace Incident Report Form, and Workplace Violence Prevention Responsibilities.

Ontario Human Rights Code (OHRC) Discrimination and Harassment or Occupational Health and Safety Act (OHSA) Workplace Harassment Administrative Procedure
This procedure provides a process for dealing with complaints of discrimination and harassment based on the prohibited grounds under the OHRC and workplace harassment under the OHSA.

The procedure:

- Defines workplace harassment, workplace sexual harassment, worker, and workplace
- Identifies the human rights protected grounds
- Addresses the need for investigations to remain confidential
- Allows for an informal resolution process
- Provides an Informal Complaint Form to facilitate an informal resolution
- Specifies that respondents to a complaint are entitled to due process, including knowing that they are the subject of a complaint, who the complainant is, what the allegations are, and what approach to resolution is being considered
- Details the steps for conducting a formal investigation, and
- Provides the steps to take to restore a positive working environment.

Health and Safety Policy
This policy outlines the DSBN's commitment "to the health and safety of all its employees, by protecting all employees from workplace injury or occupational illness." It goes on to state that all supervisors and workers must be dedicated to sharing the responsibility of reducing the risk of injury and illness by working in compliance with the law and with work practices and procedures established by the Board. The policy commits DSBN to:

- Establish a Multi-Workplace Joint Health and Safety Committee

- Educate all administrators and supervisors about their responsibilities as described in the *Occupational Health and Safety Act*.

Employee Perspectives

The Workplace Equity and Inclusion Survey also asked employees to share their perspectives

Graph 5. Workplace Harassment and Discrimination

Statement	Agree	Hard to Decide / Don't know	Disagree
I am aware of and understand the DSBN's Workplace Violence and Harassment Prevention Policy	98%		
I believe DSBN's policies are effective in addressing worplace violence and/or harassment	69%	11%	20%
I have completed the online training on violence and harassment	98%		
I believe the person I report to would effectively handle an issue of workplace violence and/or harssment if it did occur	73%	10%	17%
Harassment is not tolerated within my school / department	77%	7%	17%
Discrimination is not tolerated within my school / department	78%	8%	14%
Leaders within my school / department create a respectful and welcoming work enviroment for all employees	80%	3%	17%

■ Agree   ■ Hard to Decide / Don't know   □ Disagree

about harassment and discrimination in the workplace.

As the graph shows, employee responses to the survey indicate that the DSBN has done a good job of educating employees about its Workplace Violence and Harassment Prevention Policy. The vast majority of employees (98%) who responded to the survey reported that they are aware of and understand these policies. However, only 69% of survey respondents indicated that they believe these policies are effective in addressing workplace harassment and/or discrimination. In addition, the majority of employees (98%) reported that they have completed the online training on violence and harassment.

A large proportion of employees (73%) reported that they feel the person they report to would effectively handle an issue of workplace violence and/or harassment if it did occur.
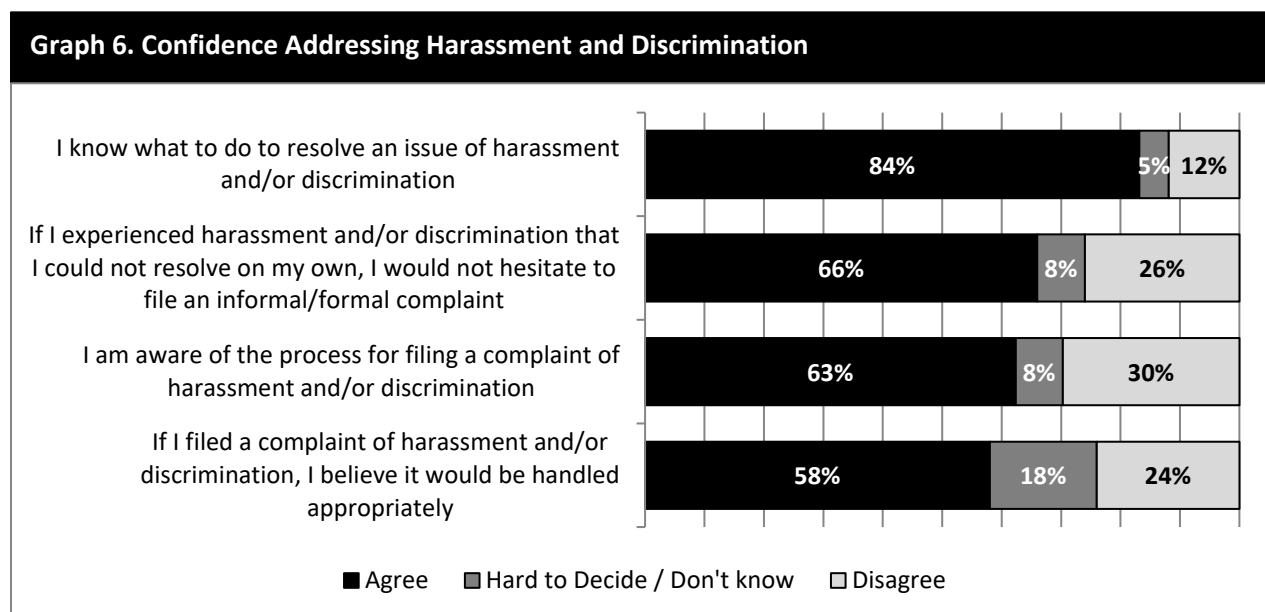
About three-quarters of survey respondents reported that harassment (77%) and discrimination (78%) are not tolerated within their school or department. A slightly larger

proportion of respondents (80%) agree that leaders within their school or department create a respectful and welcoming work environment for all employees. Through the survey, employees shared experiences of having to live with harassment because of their supervisor or administrator's failure to either act to stop the harassment or appropriately investigate the harassment, which is a legal duty under the Ontario *Human Rights Code.* Some employees shared that the behaviour was dismissed as "just a joke" or "just the way they are," with the employee being seen as the problem rather than the person doing the harassment.

> *Even when reported these incidents largely go ignored or are mishandled or swept under the rug. I have yet to see one of the aggressors or people responsible for the harassment actually reprimanded for it. This is a prevalent problem.*
>
> *I was told that "if it has gotten to the point where it's untenable here then maybe it's time for you to leave." The behaviours did not stop and I basically just finished out the rest of the school year, feeling unsafe and uncomfortable and knowing that it would be the end… it was easier to remove one person (the victim) than the people who were responsible and they are all still in their same positions and probably doing the same kind of behaviours to someone else because they continue to get away with it.*

The survey also asked employees about their confidence in addressing harassment and discrimination if they were to occur. As Graph 7 shows, 84% indicate that they know what to do to resolve an issue of harassment and/or discrimination.

Graph 6. Confidence Addressing Harassment and Discrimination

Statement	Agree	Hard to Decide / Don't know	Disagree
I know what to do to resolve an issue of harassment and/or discrimination	84%	5%	12%
If I experienced harassment and/or discrimination that I could not resolve on my own, I would not hesitate to file an informal/formal complaint	66%	8%	26%
I am aware of the process for filing a complaint of harassment and/or discrimination	63%	8%	30%
If I filed a complaint of harassment and/or discrimination, I believe it would be handled appropriately	58%	18%	24%

■ Agree   ■ Hard to Decide / Don't know   □ Disagree

Others shared that they addressed the issue themselves, rather than involving their supervisor or making a formal complaint.

I addressed it and it stopped.

I just spoke up and it stopped. People don't always realize they are being insensitive.

A smaller proportion of respondents (66%) reported that if they experienced harassment and/or discrimination that they could not resolve on their own, they would not hesitate to file a formal complaint. It is important to note that those lower on the occupational hierarchy or precariously employed expressed concern about the impact on their employment should they make a complaint. The majority of hesitancy expressed fell into the following categories:

Past experience: Some employees shared that they had reported incidents of harassment or discrimination in the past, and based on that experience they would not report again. Some shared that the issue was not appropriately investigated or handled, that the harassment only get worse after they reported it, or that harassers are moved from school to school and the behaviour does not stop. They shared that they feel particularly vulnerable when the harasser is their supervisor or someone in a leadership position.

To this day it has taught me that I cannot trust my administrators because I know they will not have my back. I know that I will be treated unfairly when a dispute that requires an investigation occurs.

Deal with their principals instead of just moving them around when they've damaged morale among several staff, over and over. They know which principals are problematic. Large number of teachers transfer to other schools, and the union communicates the issues. But the Board just keeps placing them in new schools without reining in their problematic behaviours (intimidation, lack of leadership, arbitrary decisions instead of collaborative ones, volatile moods, demanding micro-management, lack of respectful dialogue, favouritism, intimate relationships with subordinates, etc.). There is no safe path for teachers to report difficulties with their principals.

Hard to prove workplace harassment/bullying behaviour by someone you report to. Not worth the hassle.

Fear or threat of reprisal: Several staff expressed fear of reprisal for speaking up about an issue of harassment or discrimination. In particular, they feared that their administrator would either not hire them again (if an occasional teacher), transfer them, or generally make their life

difficult. In addition, some employees shared that they were talked out of making a complaint or threatened.

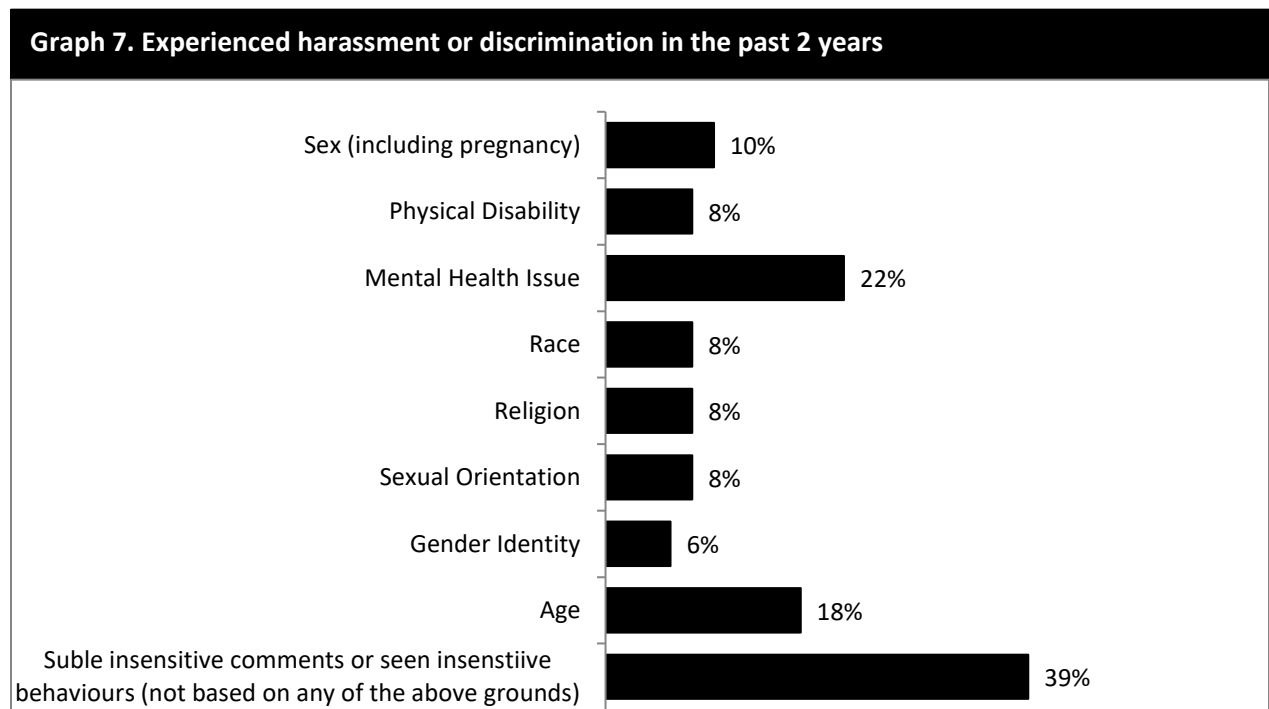> *Any one who is advocating for themselves is often given a scarlet letter.*
>
> *I did not report the harassment/discrimination because it is so commonplace. Reporting is difficult because DSBN has not fostered a culture of reporting without fear of being labelled a troublemaker.*
>
> *You are labelled a troublemaker or the threat of an Administrative Transfer is dangled over you. So everyone suffers in silence.*
>
> *I was told that if I reported it that I would be terminated.*

Fewer still reported that they are aware of the process for filing a complaint of harassment and/or discrimination (63%) and feel that if they filed a complaint it would be handled appropriately (58%).

The survey also asked whether staff had experienced harassment or discrimination in the past 2 years.

Graph 7. Experienced harassment or discrimination in the past 2 years

Category	Percentage
Sex (including pregnancy)	10%
Physical Disability	8%
Mental Health Issue	22%
Race	8%
Religion	8%
Sexual Orientation	8%
Gender Identity	6%
Age	18%
Suble insensitive comments or seen insenstiive behaviours (not based on any of the above grounds)	39%

As Graph 7 shows, the most frequent type of harassment experienced (39%) was subtle, insensitive comments and behaviours. Participants shared through the survey that the behaviours included things such as cliques that excluded new staff or outsiders, gossiping, and

openly criticizing staff. Respondents shared that the subtle nature of most harassment makes it difficult to prove, and makes them appear petty if they raise their concerns. They also shared the daily toll of having to live with these behaviours.

In addition, 22% of respondents identified mental health issues, 18% identified age, and 10% identified sex as the grounds on which harassment or discrimination was experienced.

Conclusions & Recommendations

Workplace Violence and Harassment Prevention Policy
This policy can be strengthened by:

- Including protections from discrimination and addressing and defining failure to accommodate, poisoned work environment, condonation, malicious or bad faith complaints, threats, interference, or offer protections from reprisal to all those involved in a complaint (e.g., complainant, respondent, investigator, witnesses)

- Providing examples of workplace harassment or violence

- Listing the human rights protected grounds

- Including association or relationship with a person identified by one of these grounds and perception that one of these grounds applies

- Requiring that Human Resources report annually to the leadership team on the number and type of complaints and any trends and systemic issues that need to be addressed proactively, and

- Stating that the policy does not prevent complainants from pursuing their complaint through the Human Rights Tribunal or any other administrative law process

***Ontario Human Rights Code* (OHRC) Discrimination and Harassment or *Occupational Health and Safety Act* (OHSA) Workplace Harassment Administrative Procedure**
This procedure was assessed against the Ontario Human Rights Commission's A Policy Primer: Guide to Developing Human Rights Policies and Procedures.[55] While the procedure is fairly comprehensive, it could be strengthened by doing the following:

- Defining discrimination
- Stating that the policy applies to prospective employees who feel they have experienced discrimination in the hiring process

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[55] http://www.ohrc.on.ca/en/policy-primer-guide-developing-human-rights-policies-and-procedures

- Specifying that it applies to actions occurring "during employment activities not at a DSBN workplace and during school board sanctioned event." This leaves it unclear as to whether it applies to activities at a DSBN workplace and at other events such as conferences

- Defining the workplace as including any location where a DSBN employee performs work or work-related duties or functions — including social functions, training and conferences, during travel, and telephone, email, and other electronic communications

- Extending the time limit an individual has for filing a complaint to more than 30 calendar days since the most recent alleged harassment

- Specifying the roles and responsibilities of various individuals, including senior leaders, managers, employees, and unions and associations

- Specifying that senior leaders and supervisors have the responsibility of creating a respectful workplace and addressing issues that they become aware off, regardless of whether employees make a complaint

- Identifying the DSBN's responsibility to provide education and ongoing training to prevent incidents of workplace violence, harassment, and discrimination

- Providing for the monitoring and evaluation of the application of the policy, such as the collection and analysis of employee comments, feedback from investigators and managers, and information collection through exit interviews to inform the monitoring and review of the policy, and

- Requiring that Human Resources report annually to the leadership team on the number and type of complaints and any trends and systemic issues that need to be addressed proactively.

Recommendation 43: It is recommended that the harassment prevention policies and procedures be updated to address the issues identified to align with the guidelines from the Ontario Human Rights Commission.

Recommendation 44: Recognizing that a great deal of inappropriate behaviours can be stopped and their impact minimized if they are immediately addressed, it is recommended that employees have access to training that provides them with the knowledge and techniques for intervening when they do witness these behaviours.

Recommendation 45: It is recommended that staff be reminded of the procedures and process for making complaints.

Recommendation 46: It is recommended that managers and administrators be reminded through ongoing communication, training, and other means of their duty to foster a respectful

work environment, to lead by example, and to act to stop harassment and discrimination when they witness or hear about these behaviours.

11.   Attitudes and Corporate Culture

Individual attitudes and corporate culture have an impact on the job performance and retention of employees from the equity-seeking groups. While some behaviours may not be deemed to be harassment or discrimination as defined by the Ontario *Human Rights Code*, they can nonetheless have a significant impact on the work environment. For example, negative attitudes toward equity and diversity, even when expressed out of ignorance, can affect the work environment and whether employees from the equity-seeking groups feel welcomed and included in the workplace.

Organizations that are positioned to succeed in their workplace equity efforts have included equity objectives in their strategic and business plans, integrated equity throughout policies and practices, and displayed a high level of commitment and leadership from the top. They also provide ongoing education and training to staff in order to effect and sustain change.

While an unwelcoming work environment negatively affects the equity-seeking groups, it can also have negative implications for other employees and the organization as a whole. Studies have found that employees who work in environments that are not welcoming and inclusive are more likely to leave for other jobs, take extended leaves of absence, and retire early.[56] Unhealthy workplaces also negatively affect the mental and physical health of all employees.
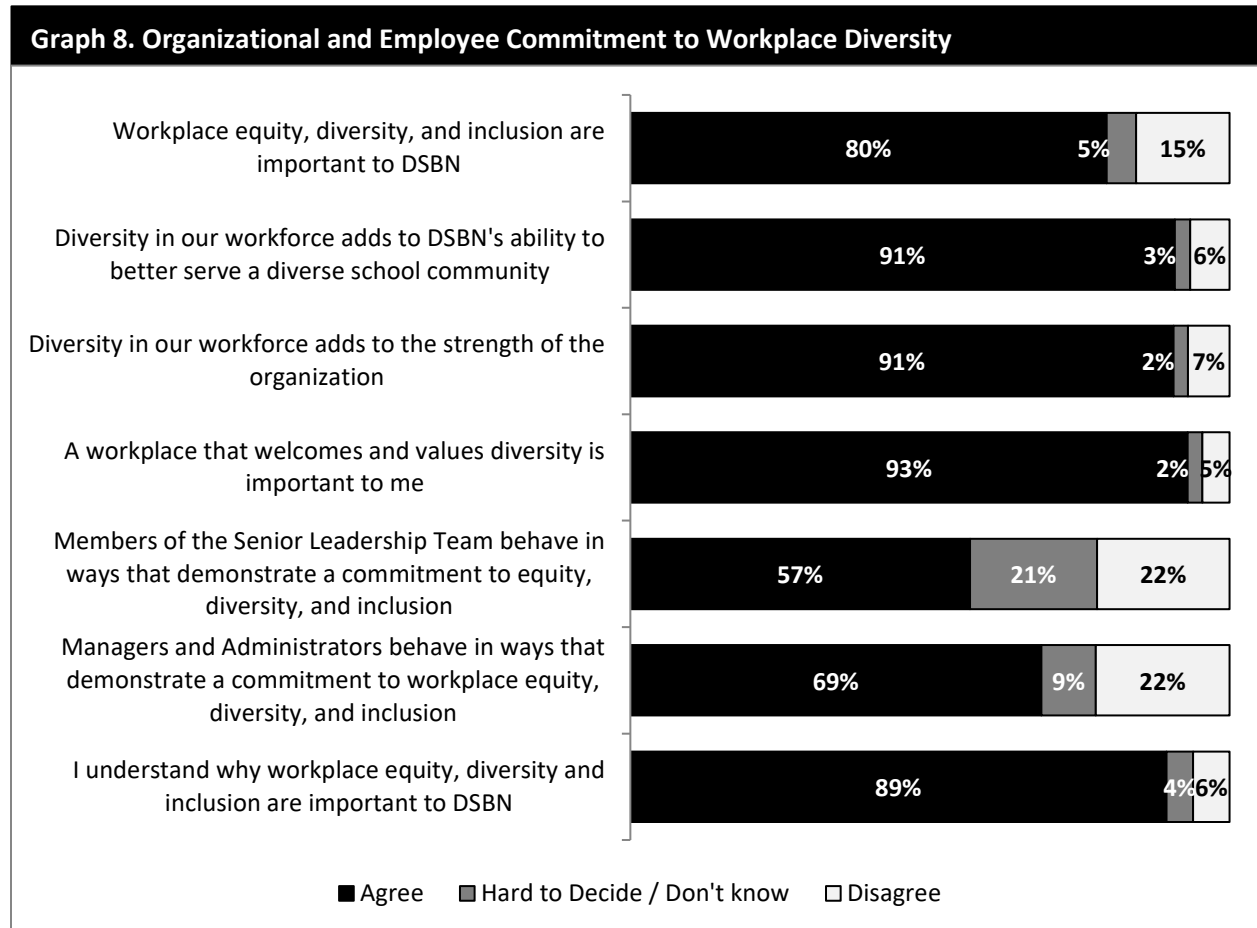
Findings

The Workplace Equity and Inclusion Survey asked respondents about their own commitment as well as their perception of the DSBN's commitment to workplace equity, diversity, and inclusion.

As Graph 8 shows, survey responses were quite favourable about the DSBN's commitment to equity, diversity, and inclusion. 80% of survey respondents agree that workplace equity, diversity, and inclusion are important to the DSBN. A larger proportion of survey respondents (91%) feel that diversity in the workforce adds to the DSBN's ability to better serve a diverse school community, and 91% agree that diversity in the workforce adds to the strength of the

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[56] See John Samuels & Associates. (2006, March). Summary Report on Engagement Sessions for a Racism-Free Workplace. Human Resources and Skills Development Canada; Gandz, J. (2005). *A Business Case for Diversity*. Canadian Department of Labor: Ottawa, Canada.

organization. In addition, 93% of respondents agree that a workplace that welcomes and values diversity is important to them.

Graph 8. Organizational and Employee Commitment to Workplace Diversity

Statement	Agree	Hard to Decide / Don't know	Disagree
Workplace equity, diversity, and inclusion are important to DSBN	80%	5%	15%
Diversity in our workforce adds to DSBN's ability to better serve a diverse school community	91%	3%	6%
Diversity in our workforce adds to the strength of the organization	91%	2%	7%
A workplace that welcomes and values diversity is important to me	93%	2%	5%
Members of the Senior Leadership Team behave in ways that demonstrate a commitment to equity, diversity, and inclusion	57%	21%	22%
Managers and Administrators behave in ways that demonstrate a commitment to workplace equity, diversity, and inclusion	69%	9%	22%
I understand why workplace equity, diversity and inclusion are important to DSBN	89%	4%	6%

■ Agree   ■ Hard to Decide / Don't know   □ Disagree

It is important to note that not all DSBN employees are supportive of workplace equity efforts, and some employees supported these efforts in theory and shared their concerns. While we are unable to determine how prevalent these opinions are among DSBN employees, resistance to these equity efforts does exist. Some employees shared their concern that the focus on diversity would be a "check box" exercise that may result in the hiring of less qualified staff in order to meet "equity quotas."

Some of the comments and concerns shared by employees through the survey include the following:

Like any new focus or agenda, don't create extra work or changes "for nothing." Where there's an actual problem or issue, deal with it; however, if things are already working well as is, leave it. Making meaningful changes/improvement… as opposed to enforcing change for change's sake or extra work for its own sake, simply to say we've done something about equity, diversity, and inclusion.

Trying too hard will have the opposite result.

I find the pendulum swing to be very drastic. We focus on one or two groups that were previously underrepresented or acknowledge and almost push it to an over emphasis at the expense of the other groups.

As the data shows, only 57% of survey respondents believe that members of the Senior Leadership Team behave in ways that demonstrate a commitment to equity, diversity, and inclusion. It is notable that a large proportion (21%) indicated that it is hard to decide or they don't know whether members of the Senior Leadership Team behave in ways that demonstrate a commitment to equity, diversity, and inclusion. This suggests that they don't have sufficient contact with SLT members to form an opinion. In addition, 69% indicate that managers and administrators behave in ways that demonstrate a commitment to workplace equity, diversity, and inclusion. Throughout the comments in the survey, employees raised concerns about poor leadership styles, favouritism, and bullying on the part of leaders within the organization. They feel that much more needs to be done to ensure that leaders model the behaviours they expect from employees and lead in ways that support equity, diversity, and inclusion. In addition, 89% of survey respondents report that they understand why workplace equity, diversity, and inclusion are important to the Board.

In addition, employees who participated in the focus groups and online survey shared their perspectives about the culture of the Board. A discussion of these issues follows.

All is good

While a number of survey respondents shared concerns about the DSBN workplace, it is important to note that they were a minority of all survey respondents. The majority of survey respondents didn't provide any comments to the open-ended survey questions or shared brief comments such as the following:

I think the board is doing a great job already.

We are doing a great job!

Low morale

While there were staff who shared that they love working at the DSBN, some shared their perception that morale is low among their colleagues, and that they don't feel welcomed and included at work. While some of these issues are related to factors beyond the DSBN's control — for instance, work hours, class size, etc. — much appears to be connected to how employees feel treated, valued, and appreciated by their peers, managers/administrators, and senior leaders.

> *How about actually practicing what they preach - the "I matter" statement/philosophy is an absolute joke. The board does not follow anything noted in their strategic plan. Employees do not feel like they matter at all.*

> *I don't really care, DSBN is a lousy place to work. If you don't work at the Blue Box or you're not a teacher you Don't Matter!!!!!!!!!*

> *I personally feel kind of afraid of "rocking the boat" all the time. I just keep my head down and say "yes" to whatever to make sure I don't come under fire. This organization causes stress on individual teachers because it asks you to give everything you have to your profession, and yet you are constantly made to feel like you are expendable. It makes me sad. How can we be expected to truly service student needs when this is how we live?*

Culture of fear

Some employees who participated in the consultations described a "culture of fear" within the DSBN. They shared their perspective that the Board promotes people who are "yes men," who don't offer new ways of thinking. They shared that employees are also expected to not think critically, not offer new ideas, and not question inappropriate behaviours.

> *In almost all interactions with my administrators and board leadership, I feel the need to try and impress them. There is not a culture in place that accepts different opinions or criticism. This culture is not conducive to helping our organization and staff meet our full potential.*

> *Stop using Administrative Transfers as a way to intimidate and silence staff. No one wants to speak up when something is wrong because there is a culture of intimidation and fear. That is NOT workplace equity.*

> *There needs to be an outlet in which a staff member can safely, and without fear of backlash, express and address issues in the workplace.*

This fear extended to their participation in the consultations for this ESR. Some commented that while they did want to participate in the focus groups, they either did not want to let their principal know that they were participating or didn't want their identity "outed" through their participation, particularly since the focus groups were held at the Board's main office. In addition, many also expressed fear that their comments through the online survey will be connected to them and that they will experience reprisals. In fact, 32% of those who responded to the survey indicated that they did not want quotes to be used, even though the quote would be anonymous.

Hierarchy of occupations

A number of employees shared that they don't feel included or valued at the DSBN, not because of their identity, but because of their position. They shared that there is a hierarchy at the DSBN, which devalues those in certain positions and allows them to be treated poorly. They shared experiences of being ignored in schools, excluded from staff meetings, being criticized by administrators in front of other staff, and being shouted at. This feeling appeared to be shared by those in support staff positions as well as occasional teachers.

> *Treat all the same no matter what. Allow voices to be heard without fear. Some of us are the forgotten part of the board, at the bottom, disposable, this is the way we are made to feel. But we are a major part of the school environment. We take care of their million dollar buildings, the health and welfare of the children and staff that attend the schools. Ask anyone of us and they will tell you the same thing, we feel ignored, and to the higher ups we are a necessary evil that goes along with the job. We take pride in what we do. We only wish that the board would take pride in us.*

> *I wish our jobs as substitutes felt more valued and that we were seen as part of the staff. Sometimes I feel disposable.*

Culture closed to outsiders

There were also those who describe a very "cliquey" culture that is not welcoming of outsiders, including people from outside Niagara Region, occasional teachers, those without the right connections within the school board, those who are not "English," and those from marginalized backgrounds such as immigrants, racialized people, and those who identify as LGBTQ+.

> *I am from [Toronto]. There is some fear of outsiders in Niagara. And not a lot of included outsiders.*

Stop the old 'cliques' of English, Scottish groups who have already 'run' the schools. Also, promote teachers to lead groups who are 'culturally different'…. Students know we are being treating unfairly.

This is an exclusive school board. It always has been. I grew up in this school board and now I'm a teacher in it. Nothing has changed. I'm still considered 'ethnic' and have the first job I started with … years ago. I know it's because I'm not English and am not related to anyone in the DSBN. The only other 'ethnic' teachers in this school make food for Special Needs kids and work separately with at-risk kids - away from the regular classrooms. This is discrimination - exclusion.

"Walk the talk"
Survey respondents shared their perspective that there is a gap between what the Board espouses and the actions of its senior leaders, managers, and administrators. They shared their frustration that the "I Matter" motto is disingenuous and is not supported by concrete action to ensure that all staff do indeed feel that they matter. They hope that the Board's equity, diversity, and inclusion efforts will be better supported by leaders' actions as well as initiatives that will make change within the organization.

We often think PD is the answer and mottos like "I Matter" are the answer. Do you know how many employees do not feel like they matter? DSBN is more concerned with results instead of soft skills like integrity, listening, understanding and compassion as a whole.

Not sure about the demographics of teacher applicants, but seeing more people belonging to visible minority groups get employed would be a testament to our quest for diversity.

Experiences of the equity-seeking groups
Employees shared concern that members of the equity-seeking groups — in particular racialized employees, FNMI employees, persons with disabilities, and those who identify as LGBTQ+ — are not hired at the Board in numbers that reflect their representation in the community. They also expressed a concern that members of the equity-seeking groups do not experience a welcoming and inclusive organization. These employees shared a desire to see a more diverse workforce that reflected the student population.

The DSBN as a system is VERY white and very male-oriented. I have heard a manager say that they would not hire a person who has a name they can't pronounce. This is a systemic problem at the DSBN.

> *Our entire staff is comprised of white, able-bodied Canadian-born teachers. No immigrants, no FNMI teachers, nobody from the LGBTQ community, no one who uses a wheelchair, etc. Kids need to see themselves reflected in the staff.*

> *Based on my own personal life, I found it very difficult to identify myself as part of the LGBTQ community especially because my spouse is part of the DSBN community as well. Although I do not feel discriminated against, I found myself feeling conflicted in sharing my life (discussing my marriage, children, etc.) with staff and administrators because I felt that I was "alone" and the "only one at my school" and did not know how this would be accepted.*

> *Currently there are a lot of people in buildings who identify as LGBTQ+2s but do not feel as though they can identify as they would not be accepted.*

In addition, while the DSBN is a female-dominated organization, survey respondents also shared that women experience sexual harassment, are passed over for opportunities, and experience discrimination based on pregnancy. They also noted that sex intersects with ageism and sizeism to limit opportunities for women.

> *I also want my employer to know that women are NOT treated well in some environments. Sexism is rampant. Lastly, teachers who are "of a certain age" are treated with less respect than newer/younger teachers. This is dangerous as it pits people against each other and is totally demoralizing. Age discrimination is epidemic and has been for about ten years, as far as I am aware.*

> *Stop hiring only thin white blonde heterosexual women.*

> *Women told equal but regularly judged on looks, while similarly dressed males are not and regularly moved out of positions during mat leaves.*

> *Ageism is also rampant in the workplace. there is no way that I would apply for a Program leader role or any other leadership role as there would definitely be bias against a person in their 50s.*

> *Track Principals recent hires (last 5 years) to see if trends exist. i.e. only hiring young women of a certain 'look'.*

It is notable, however, that a number of men expressed their feeling that they experience disadvantage in the workplace and that the hiring of men should be prioritized.

As a man, even though Primary grades are my favourite grades to teach, I know that I'm passed over for many assignments solely because of my gender. We don't have nearly enough representation of men in our workforce, and it's important for students to have good male role models in their schools, and for those role models not to be pigeon-holed into Junior/Intermediate and Phys Ed/Math.

Promotion of men seems to have taken a hit. Too many female admin in last 10 years.

Since education is a female-dominated profession, the usual tables are turned. Men have difficulties being hired, particularly into Primary grades. The DSBN may espouse equality, but the Principals who are in charge of much of the hiring missed that memo.

In my opinion, there are too many women being hired in the DSBN; I believe that more women hold administrative positions, supervisory positions and teaching positions.

There is a promotion culture in which females are valued far more highly than males. Look at the VP pool hiring process. While I understand the inequity that has taken place in the decade before this one, it is now males who are actively excluded from promotion to administrative roles in the elementary panel.

Eagerness for change

Despite sharing negative experiences and feelings, many survey respondents also shared their hope and eagerness for change. They expressed gratitude that they were able to share their input through the online survey and shared their desire to see the results of this ESR.

Thank you for creating a forum so that we can finally express how we feel working at the DSBN/individual schools. I hope this leads to positive growth and staff is not ostracized for speaking out.

The DSBN needs to be transparent and let the results of this survey been seen by all employees.

Conclusions & Recommendations

Leadership

Managers, administrators, and superintendents have an important role to play in leading the Board on its equity, diversity, and inclusion journey. For the organization to change, these

senior leaders must act as change leaders by "walking the talk" and modeling the behaviours and language that they expect from employees. They can also raise issues of equity, diversity, and inclusion to ensure that these issues are being considered in the day-to-day management of employees and in the work of the Board. These actions will demonstrate to employees that equity, diversity, and a truly inclusive work environment is more than a good idea — it is valued by the Board and critical to successfully educating students from diverse backgrounds.

It is important that leaders be consistent in their behaviours and that there be consistency between their own behaviours and their expectations of others. When leaders say one thing and do another, it creates cynicism among employees and undermines the organization's equity and inclusion efforts. It can also increase employee resistance to these efforts and damage the organization's ability to build employee commitment and buy-in in its diversity efforts.

As such, the organization needs to do more work to create a culture of inclusion, which must be led and modelled by senior leaders.

Recommendation 47: It is recommended that leaders throughout the organization commit to, and be provided with, adequate supports, including ongoing training, to enable them to demonstrate a greater personal and professional commitment to equity, diversity, and inclusion through behaviours and language that communicate inclusion and respect for all employees.

Creating safe and inclusive spaces
Employees who identify as LGBTQ+ along with racialized and Indigenous employees shared their experiences of workplaces that are not safe and inclusive. From their perspective, the Board's organizational culture requires them to assimilate and does not provide inclusive spaces in which they are able to bring their full selves to work.

Recommendation 48: It is recommended that the Board supports the creation of affinity groups to enable racialized, Indigenous, and LGBTQ+ employees to network and seek support. Further, the Board should use the affinity groups as a valuable resource to continue its work to identify and remove barriers to employment equity, diversity, and inclusion.

Recommendation 49: It is recommended that the Board develop policies and programs to ensure that its work environment is inclusive of employees who are gender non-conforming. As such, the Board should develop policies such as a Transitioning at Work Policy, provide gender-neutral washrooms for staff, and train managers and employees.

Recommendation 50: It is recommended that the Board ensure that it fosters inclusive and safe workplaces that allow employees who identify as LGBTQ+ to bring their full selves to work. While safe space posters have been displayed in schools, these visual displays of positive spaces should be displayed in all workplaces, supported by training for managers and administrators about their roles and responsibilities to create inclusive and welcoming spaces for all employees.

Building a common understanding of equity, diversity, and inclusion
In order to make real and sustained change, the entire organization needs to be on the same path toward workplace equity, diversity, and inclusion. This path forward needs to be based on a common understanding of the issues, the value of workplace equity, diversity, and inclusion to the organization as a whole, and the benefits to all employees and to students. Employees and the community must also understand that greater workplace diversity does not mean that standards are being lowered.

Developing a business case for workplace equity, diversity, and inclusion will help staff at all levels to understand and support the objectives of creating equitable employment practices, a diverse workforce, and an inclusive work environment by providing linkages to the Board's roles and responsibilities as an employer, the provider of public education services in a growing and increasingly diverse region, and a community citizen. The Board could also develop and communicate a framework for workplace equity, diversity, and inclusion, including terms and concepts, to establish a common language and understanding across the organization and address the myths and misconceptions held by employees.
Unions also need to be brought into the conversation to ensure that they understand and support the actions that arise in response to the findings of this report and the Board's future efforts.

While some are hopeful, many employees remain skeptical that this ESR will result in any real change. As such, transparency and regular communication about the results of this review and the resulting Employment Equity Plan is important.

Recommendation 51: It is recommended that a communications / learning strategy be developed (which may include a newsletter, lunch and learns, and other informal methods of promoting knowledge, resources, tools, and practices, etc.) with the goal of:

- Increasing employee understanding of workplace equity, diversity, and inclusion
- Addressing the facts and myths associated with workplace equity, diversity, and inclusion

- Defining key terms and concepts, and

- Developing and communicating a business case for workplace equity, diversity, and inclusion that links the organization's diversity and inclusion efforts to operational considerations.

Recommendation 52: It is recommended that the Board better support staff to understand the need and rationale for its equity, diversity, and inclusion efforts, including barriers to hiring, advancement, and inclusion in the labour market generally and within the Board more specifically. This should include sharing this report and the resulting action plan with employees and providing regular updates with respect to implementation.

Recommendation 53: It is recommended that appropriate financial and human resources be allocated to implementing the Employment Equity Plan and leading the Board's workplace equity efforts.

Recommendation 54: It is recommended that the Board conduct another ESR and Workforce Census in 5 years to assess progress and develop a new Employment Equity Plan.

12. Conclusions and Next Steps

Canada is becoming increasingly diverse as the population ages and the country relies more heavily on immigration for population and labour market growth. While the Greater Toronto Area (GTA) has historically been the primary settlement area in Ontario, Niagara Region will continue to see greater ethnic and racial diversity as people leave the GTA seeking more affordable housing. In addition, there is a great deal of diversity inherent in any community that must be considered, including persons with disabilities and those who identify as LGBTQ+.

To remain vibrant and growing, communities throughout the province must be welcoming and inclusive of staff and students from all communities, backgrounds, and identities. The DSBN, as a major employer and community partner in the region, has an important leadership role to play in making the community more welcoming and inclusive of individuals from all marginalized and equity-seeking groups.

If organizations are to benefit from the skills and talent that an increasingly diverse labour force has to offer, they must create equitable employment policies and inclusive work environments. In a time of limited financial resources, equity in employment also allows the Board to benefit from the creativity and innovation that a diverse workforce has to offer while also becoming more responsive to the needs of its students and parents.

Because the Board is at the beginning of its equity journey, this Employment Systems Review is a critical assessment tool that, along with the Workforce Census, will help assess the gap between where the Board is currently in relation to its goal of being an inclusive employer and where it intends to go. The results of the ESR and the Workforce Census will help the Board chart a way forward with concrete actions for an Employment Equity Plan that will provide the road map for the way forward.

APPENDIX A: Policies and Documents Reviewed

Absence Reporting

Accessibility Plan 2010–2020

Accessibility Standards for Employment Policy

Attendance Management Administrative Procedure

Attendance Support Program Policy

Board Mental Health and Addictions Strategy 2018–2021

Concerns/Complaint Procedure Re: Incidents Involving Occasional Teachers Administrative
Procedure

Conflict of Interest Policy

Disability Management — Early Intervention, Accommodations and Return to Work
Administrative Procedure

Equity and Inclusive Education Compliance Guidelines Administrative Procedure

Equity and Inclusive Education Policy and Administrative Procedure

Guidelines for Retirement/Resignation Dates for Teachers

Health and Safety Policy

Long-Term Accommodation Plan 2019–2028

Ontario Human Rights Code (OHRC) Discrimination and Harassment or *Occupational Health and
Safety Act* (OHSA) Workplace Harassment Administrative Procedure

Performance Appraisal Policy

Police Criminal Record Check - Police Vulnerable Sector Check and Offence Declaration Policy
and Administrative Procedure

Religious Accommodations Guidelines

Safe Schools Policy

Strategic Plan

Workplace Wellness Policy