

GECD SB Employment Systems Review

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Table of Contents

- Executive Summary i**
- PART A: Introduction 1**
- 1. **The Greater Essex County District School Board 1**
- 2. **Overview of an Employment Systems Review 1**
 - 2.1 The purpose of an Employment Systems Review 1
 - 2.2 What are barriers? 1
 - 2.3 The benefits of an Employment Systems Review 4
- 3. **Methodology 6**
 - 3.1 Working Group 6
 - 3.2 ESR framework 6
 - 3.3 The employment systems reviewed 7
 - 3.4 Data collection methods 8
- 4. **Limitations and Constraints 10**
- 5. **Workplace Equity Initiatives 10**
- PART B: Findings & Recommendations 12**
- 6. **Employee Perspectives 12**
 - 6.1 Attitudes and corporate culture 14
 - 6.2 Perceptions of the hiring and promotion process 19
 - 6.3 Perceptions of opportunities for advancement 28
 - 6.4 Accommodation 30
 - 6.4.a Accessibility and accommodation for persons with disabilities 31
 - 6.4.b Creed/religious accommodation 36
 - 6.4.c Work/life balance and accommodation of family responsibilities 36
 - 6.5 Respectful work environment 40
- 7. **Policy and Procedure Review 60**
- 8. **Recruitment and Selection Processes and Practices 88**
 - 8.1 Vacancy management process 89

| | | |
|------|---|------------|
| 8.2 | Job postings | 89 |
| 8.3 | Advertising job openings | 93 |
| 8.4 | Application form | 95 |
| 8.5 | Accommodation during the hiring and selection process | 97 |
| 8.6 | Pre-screening | 98 |
| 8.7 | Assessment of candidates | 98 |
| | 8.7.a Interviews | 100 |
| | 8.7.b Interview questions | 101 |
| | 8.7.c Testing | 103 |
| 8.8 | Reference checks | 103 |
| 8.9 | Staffing files | 104 |
| 8.10 | Hiring decisions | 104 |
| 9. | Vice-Principal and Principal Promotion Process | 105 |
| | PART C: Conclusion & Next Steps | 110 |
| | Appendix A: Policies and Documents Reviewed | 111 |

Executive Summary

The Greater Essex County District School Board (GECDSB, the Board) employs over 4,500 employees who directly or indirectly support the education of close to 36,000 students in 55 elementary schools and 15 secondary schools. GECDSB schools serve students of all abilities who represent diverse Indigenous, racial, ethnic, and religious groups as well as diverse sexual orientations and gender identities.

In 2022, the GECDSB sought the services of a consultant to conduct an Employment Systems Review (ESR) in order to:

- Identify and examine systemic and attitudinal barriers, including those entrenched in current employment systems, policies, and practices that may impede employment opportunities for Indigenous peoples and members of the equity-seeking groups
- Examine employment systems in the following areas: selection, hiring or appointments, training and development, promotion, retention, termination of employment, and accommodations, and
- Make recommendations to address any identified barriers and gaps.

The Goal of an Employment Systems Review

An ESR is a comprehensive review of written and unwritten, formal and informal employment policies, practices, and procedures that identifies and makes recommendations for the removal of systemic/institutional, cultural, and attitudinal barriers to equitable policies and practices, a diverse workforce, and an inclusive work environment. An ESR provides an organization with information on what is working well and what requires improvement so that it can build on its strengths and remove the identified barriers.

The goal of this work is to assess the organization and provide recommendations to increase diversity, develop equitable policies and practices, and create a truly inclusive organization. An inclusive organization is one that not only strives for diverse representation among its employees but also embraces, values, and capitalizes on this rich diversity as a source of strength, innovation, and creativity. In an inclusive organization, everyone feels comfortable—free from discrimination and harassment—and supported to achieve and contribute their best. Given the increasing diversity of the city of Windsor and Essex County and the benefits of a diverse workforce for student achievement and well-being, inclusive workplaces have also become

a business imperative for school districts. Creating an inclusive organization is therefore no longer the “nice” thing to do but rather the smart thing to do in order to attract, retain, and benefit from the best talent and to create inclusive learning environments for students.

An inclusive organization does not come about by chance—even in a country that welcomes and champions diversity. Instead, it requires the intentional and persistent effort of an organization. The journey to becoming an inclusive organization must be deliberately begun, boldly led, and constantly nurtured. It requires time, energy, commitment, tenacity, and the allocation of appropriate financial and human resources. It requires that the approach to building inclusivity be tailored to the organization, with the understanding that this is an ongoing organizational journey and not a one-time initiative.

Methodology for the Employment Systems Review

This report is the product of the consulting team’s review and analysis of the GECDsB’s employment 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 workplace.

While the consulting team was open to exploring any issue of equity that arose in the course of conducting 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 Indigenous peoples, racialized people, persons with disabilities, women, and those who identify as 2SLGBTQIA+ (referred to as “Indigenous peoples and the equity-seeking groups” in this report).¹ While the report focuses on these groups, it is important to note that the removal of barriers to the hiring, advancement, and full inclusion of these groups also benefits all employees and offers advantages to the organization as a whole through improved productivity, effectiveness, and responsiveness to students and parents/guardians in the school community.

The ESR blends the analysis of both qualitative and quantitative data collected through the following methods:

- Review of employment policies, written procedures, and related documents
- Review of 33 files for competitions conducted between 2021 and 2022 to assess how policies are implemented and to identify informal practices

¹ 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 Indigenous peoples, racialized people, persons with disabilities, and women. Employees from the 2SLGBTQIA+ communities are also included in this ESR given the research that indicates that they also experience harassment and discrimination in employment.

- Consultant-led focus groups in which 101 people participated
- An online Workplace Equity and Inclusion Survey distributed to all employees via email, in which 2,947 employees participated
- One-on-one interviews with 5 senior leaders and 4 union representatives, and
- Consultant-led focus groups with Human Resources staff.

In total, over 3,000 employees participated in these consultations, representing about 67% of the Board's approximately 4,500 permanent and temporary employees. This ESR provides a high-level perspective of the Board's policies, practices, and organizational culture and their impact on employees.

The Journey Ahead: Key Priority Areas

In response to the issues and gaps identified through this review, recommendations are made throughout the report in four key priority areas.

Priority 1: Diversify the workforce at all levels

As was identified through the Staff Census, employees shared their concern that the Board's workforce does not reflect the diversity of its students. Participants shared that there are barriers to hiring, including hiring that is relationship based rather than merit based. This means that not only is the Board not hiring the best candidates, but relationship-based hiring continues to limit the diversity of the organization. In addition, employees shared their concern that relationships impact more than just hiring—they also impact advancement opportunities and whether harassment and other inappropriate behaviours are addressed.

In addition, in order to advance efforts to diversify the workforce, those involved in the hiring process must be supported to recognize and mitigate their unconscious biases and understand the value that diversity brings to the workplace and to students. They must also be provided with the tools, resources, and policies to ensure that hiring is not based on who you know, but what you know.

Recommendations to diversify the workforce have been made in this report, including recommendations to:

- Ensure that all resumes are fairly screened against the qualifications for the position
- Revise the equity and accommodation statement
- Ensure interview questions are free from gender and cultural biases and assess the candidates' skills and abilities for the job.

Priority 2: Create more equitable policies and practices

The review of employment policies and the hiring process identified several areas that need to be addressed to strengthen policies and practices as well as to ensure

compliance with the Ontario *Human Rights Code* and the AODA. The Board also needs to create equitable employment policies and processes that support the hiring, advancement, and full inclusion of a qualified and diverse workforce.

This report makes recommendations to ensure that employment policies and practices comply with equity-related legislation as well as recommendations to fill gaps in the Board's policy framework, including the following:

- Update a number of policies and procedures to ensure compliance with the Ontario *Human Rights Code* and AODA
- Remove gendered language from policies
- Develop new policies to address obligations to provide accommodation based on any human rights protected ground, create scent-free workplaces, and create policies to support gender identity and gender expression.

Priority 3: Create a more inclusive and welcoming work environment

Many Indigenous, Black, and racialized employees report that GECDsB workplaces are not always safe and welcoming environments. While they shared that there are barriers embedded in the organization's policies, they also pointed to an organizational culture and individual attitudes that are not welcoming and supportive their hiring, advancement, and full inclusion in the workplace. Many shared experiences of isolation and marginalization in the workplace and that they experience racism, harassment, and sexual harassment. Many shared being isolated and marginalized in the workplace and experiencing racism from their colleagues and the person they report to.

A number of women shared that they have experienced sex discrimination, sexual harassment, and a lack of accommodation for family care responsibilities. 2SLGBTQIA+ employees identified that it is not always safe to be open about their identities and that they experience homophobic and transphobic attitudes from their colleagues and the person they report to. Persons with disabilities described ableist attitudes from their colleagues and the person they report to, making it unsafe for them to disclose a disability and their need for accommodation. They also shared that they experience barriers to accessing accommodation when requested and barriers to accessing many of the GECDsB buildings.

Many employees shared that their complaints have been ignored or remain unaddressed by their principal, manager, and/or Human Resources. As such, these behaviours have been and continue to be condoned and therefore are allowed to continue. Employees also shared that they are afraid to report harassment or discrimination because of the reprisal they fear they will experience, which will further worsen their work environment and career opportunities.

While the majority of employees who participated in the ESR shared their support for the Board's equity efforts, there were also those who shared their misunderstanding

and resistance to equity. While not pervasive, the lack of understanding of and open hostility to equity puts the GECDSD at risk of successful human rights complaints from students, parents, and staff.

Recommendations to foster more welcoming and inclusive work environments and to address issues when they do arise have been made in this report, including recommendations to:

- Develop a leadership framework for the Board that centres equity, human rights, anti-racism, and anti-oppression
- All people leaders receive in-person mandatory human rights training on an annual basis to ensure that they are able to lead and foster a work environment that values and is inclusive of Indigenous peoples and members of the equity-seeking groups
- Support affinity groups/employee resource groups to create safe and inclusive spaces for Indigenous employees and those from the equity-seeking groups
- All Supervisory Officers learn about equity in leadership and receive individual coaching to support their ongoing development and deepen their ability to lead the Board's equity efforts and embed equity into all that the Board does.

Priority 4: Strengthen the organization's equity infrastructure

In order to fully operationalize its commitment to employment equity, diversity, and inclusion, the GECDSD needs to create the infrastructure that will embed equity within the Board's employment policies and practices, sustain ongoing training and educational opportunities, and enable appropriate responses when issues do arise. This investment will also help to increase momentum and support all employees to embed workplace equity, diversity, and inclusion in their day-to-day work so that employees see it as an add-in to their work instead of an add-on. Creating this infrastructure will allow the GECDSD to ensure that this work and the gains made are sustainable and create long-lasting change.

Recommendations to strengthen the organization's infrastructure include the following:

- Use the recommendations from this report to develop an Employment Equity Strategy and implementation plan that includes accountability measures
- That a Workplace Equity Manager be hired to work with Human Resources staff to implement the recommendations from this Employment Systems Review
- Appropriate financial and human resources be allocated to implement the Employment Equity Plan and lead the Board's employment equity efforts
- That the Board conduct another Staff Census and Employment Systems Review in 5 years to assess progress and develop a new Employment Equity Plan.

PART A: Introduction

1. The Greater Essex County District School Board

In 2022, the Greater Essex County District School Board (GECDSB, the Board) sought the support of a consultant to conduct an Employment Systems Review (ESR) in order to identify gaps in the organization's current processes and policies and to recommend solutions to remedy these gaps. The recommendations from this ESR will form the basis of an Employment Equity Action Plan to create a more diverse workforce, equitable human resources policies and practices, and inclusive work environments.

The GECDSB employs over 4,500 employees in permanent, temporary, and occasional positions in a range of occupations, including as teachers, educational support workers, secretarial and clerical support, custodians, vice-principals and principals, international language instructors, and information technology support. The vast majority of employees are represented by unions, associations, and federations.

This ESR supplements the Staff Census conducted in 2021, which gathered data on the demographic composition of the workforce. This ESR will help the Board better understand the policies and practices that may have created barriers to the hiring of Indigenous peoples and the equity-seeking groups, their advancement, and their experiences in the workplace.

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 that identifies and makes recommendations for the removal of systemic/institutional, cultural, and attitudinal barriers to equitable policies and practices, a diverse workforce, and an inclusive work environment. An ESR provides an organization with information on what is working well and what requires improvement so that it can build on its strengths and remove the identified barriers.

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 face barriers in the organization for a variety of reasons, certain groups (i.e., women,

racialized people,² Indigenous peoples, 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 GECDSD has also included those who identify as 2SLGBTQIA+ as part of this ESR because of evidence that this group also faces discrimination in the labour market and harassment on the job.⁴ Recognizing that Indigenous peoples are sovereignty seeking rather than an equity-seeking group, we refer to these five groups as “Indigenous peoples and the equity-seeking groups” throughout this report.

While the focus is on these five groups, issues that affect other groups—newcomers, those from non-Christian faith systems, and those from lower socioeconomic backgrounds—will be noted where issues have been identified. Furthermore, while the focus is on Indigenous peoples and the equity-seeking groups, it is important to note that the removal of employment barriers benefits all employees and offers advantages to the organization as a whole through improved productivity, effectiveness, responsiveness to the community served, and outcomes for all students.

Barriers fall into three categories: systemic/institutional, cultural, and attitudinal. These barriers are interrelated and reinforce each other.

Systemic/institutional barriers

Systemic barriers are embedded in the policies and practices of an organization. They arise from the use of criteria that are not job related or are not required for the safe and efficient operation of the organization. Systemic barriers might have evolved from historical practices (i.e., the way the organization has always done things) that possibly exclude Indigenous peoples and members of the equity-seeking groups or place them at a disadvantage in the workforce. 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. They may, however, have a negative impact on members of certain groups.

² The term “racialized” is used throughout this report to replace the term “visible minority” historically used in Canada. This definition includes those who self-identify as South Asian, Chinese, Black, Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean, Japanese, mixed race, and others who identify as non-White and non-Indigenous.

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 Indigenous peoples, racialized people, persons with disabilities, and women.

⁴ See for example:

The Canadian Press. (2014, September 1). *Transgender unemployment is a result of discrimination, advocate says*. CBC News. <https://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*. <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>

Examples of systemic barriers that Indigenous peoples and the equity-seeking groups face in the labour market include:

- Staffing through personal networks, which could prevent individuals outside these networks from hearing about, applying for, and demonstrating their competency for certain jobs, and
- Informal mentoring and networking that support the advancement of some groups and disadvantage Indigenous employees and employees from the equity-seeking groups.

Cultural barriers

Barriers can also be created by an organizational culture that isolates and alienates Indigenous peoples and members of the equity-seeking groups, sometimes unknowingly, and one in which stereotypes and preconceived notions about these groups persist and inform decision making. The impact can reinforce the underrepresentation of these groups in the organization, thereby reinforcing the pre-existing biases about these groups.

Cultural barriers can also be systemic in that they may be embedded in the informal practices of the organization. In addition, cultural barriers can influence and be influenced by the individual attitudes of employees and leaders within the organization.

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

- A work environment that excludes or undermines the success of Indigenous peoples and members of the equity-seeking groups in various ways, such as isolating them, withholding critical information, or creating an unwelcoming work environment
- 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” work culture that excludes women from male-dominated occupations or positions of leadership.⁵

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.

⁵ See for example:

Spector, B. (2017, June 5). *Why macho culture is bad for business*. PBS News. <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. <https://www.shrm.org/ResourcesAndTools/hr-topics/behavioral-competencies/global-and-cultural-effectiveness/Pages/macho-workplaces.aspx>

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

- Not hiring a young person for a job because the manager thinks they may get pregnant and go on maternity leave shortly after being hired⁶
- Removing resumes or applications from individuals with “ethnic” or Indigenous-sounding names because of stereotypes about these groups,⁷ and
- Not hiring a candidate with a disability because of discomfort interacting with persons with disabilities or assumptions that accommodation may be too costly.⁸

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. These barriers may impact the organization’s ability to implement employment equity, may create competing priorities, and may limit the effectiveness of the organization’s employment equity efforts.

2.3 The benefits of an Employment Systems Review

The argument for workplace equity, diversity, and inclusion has gone beyond the moral argument that it is “the right thing to do.” There is a growing body of literature that makes a compelling business case for ensuring and supporting a diverse workforce and inclusive work environment. The literature identifies a number of benefits, including:

Increased student success and well-being.⁹ A diverse workforce helps the GECDSD understand and respond to the needs of an increasingly diverse student population in three areas:

⁶ See for example: Press Association. (2014, August 12). 40% of managers avoid hiring younger women to get around maternity leave. *The Guardian*. <https://www.theguardian.com/money/2014/aug/12/managers-avoid-hiring-younger-women-maternity-leave>

⁷ 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. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2018047

⁸ 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(2). <https://doi.org/10.1016/j.dhjo.2009.08.086>

⁹ 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. <https://doi.org/10.3102%2F0013189X16671718>

Gershenson, S., Hart, C. M. D., Lindsay, C. A., & Papageorge, N. W. (2017, March). *The long-run impact of same-race teachers*. IZA Institute of Labor Economics. <https://www.iza.org/publications/dp/10630/the-long-run-impacts-of-same-race-teachers>

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

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

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 and as school boards develop more inclusive and responsive policies, programs, and practices.

Strengthened confidence in public education. Board employees that reflect, understand, and respond to the needs of students, their parents, and the community also help to improve public confidence in publicly funded education. As noted in Ontario's *Equity and Inclusive Education Strategy*, an equitable and inclusive education system is fundamental to achieving the priorities of high levels of student achievement, reducing gaps in student achievement, and increasing public confidence in publicly funded education.¹⁰ Furthermore, 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 GECD SB as an employer of choice. Organizations that implement formal nondiscriminatory and inclusive human resources policies and practices, increased transparency, and consistent human resources practices also 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 image of the GECD SB as an employer of choice. Employers that are known to have a commitment to equity, 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 employee job satisfaction and productivity.¹² Employers that create and support a work environment in which all employees feel valued and safe from

¹⁰ Ministry of Education. (2022, June 15). *Greater equity means greater student success*. [reater-equity-means-greater-student-success](https://www.ontario.ca/government/news/greater-equity-means-greater-student-success)

¹¹ United Nations Educational, Scientific and Cultural Organization. (2008). *Inclusive education: The way of the future* [Reference document]. UNESCO International Conference on Education, 48th session, Geneva, Switzerland. http://www.ibe.unesco.org/fileadmin/user_upload/Policy_Dialogue/48th_ICE/CONFINTED_48-3_English.pdf

¹² Stazyk, E. C., Davis, R. S., & Liang, J. (2012). *Examining the links between workforce diversity, organizational goal clarity, and job satisfaction* [Paper presentation]. 2012 Annual Meeting and Exhibition of the American Political Science Association, New Orleans, LA, USA. <https://www.bc.edu/content/dam/files/centers/cwf/individuals/pdf/DiversityClarityandSatisfaction.pdf>

harassment and that treat their employees 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 diverse backgrounds, communities, and 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

The GECDSB formed a Working Group to oversee the work of the consultant, provide input into the proposed methodology, offer further insights into the issues identified, and review the draft ESR report. The committee comprised representatives from the Human Resources Department as well as each union, association, and federation. Members of the Dismantling Anti-Black Racism (DABR) Strategy Implementation Committee were also included in the Working Group, as the ESR is included as an action within the DABR Strategy to explore the barriers to hiring Black employees and their experiences in the workplace.

3.2 ESR framework

In conducting this ESR, the consultants relied on the Canadian Human Rights Commission’s “Framework for Compliance with the *Employment Equity Act*,” a document outlining the legal framework and assessment factors related to an ESR as well as the general approach to be taken by employers.¹⁴ The framework identifies how important it is for this audit to review each employment policy, practice, and system as well as the corporate culture and work environment in order to determine whether they present a barrier to prospective and existing Indigenous employees and employees from the equity-seeking groups.

The ESR includes an assessment of each policy or practice in terms of the following criteria:

¹³ See for example:

McKinsey & Company. (2015). *Women in the workplace*. <https://womenintheworkplace.com>

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

Rigger, D. (2018, March 12). *How a diverse workforce can be your competitive advantage*. Human Resource Director Australia. 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*. https://publications.gc.ca/collections/collection_2007/chrc-ccdp/HR4-3-2002E.pdf

- **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 that each policy or practice clearly demonstrates a bona fide occupational requirement, is objective, and constitutes a business necessity
- **Validity**—To determine whether each policy or practice objectively predicts successful job performance
- **Adverse impact**—To assess whether each policy or practice has a disproportionately negative effect on Indigenous employees and employees from the equity-seeking groups
- **Accommodation**—To assess whether 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 Indigenous or as members of the equity-seeking groups.

This ESR also explores whether the organization lacks policies or practices that would support the creation of more equitable hiring and promotion practices, greater workforce diversity that is reflective of the community served, and a more inclusive organizational culture.

3.3 The employment systems reviewed

The following employment systems were reviewed through this process:

- **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
- **Development and advancement**, including access to career development, access to informal mentoring and networking, and the vice-principal and principal promotion process
- **Accommodation and workplace accessibility**, including accommodation for persons with disabilities, religious accommodation, and work/life balance, and

- **Organizational culture and work environment**, including equity policies and programs; workplace harassment, discrimination, and violence prevention policies and programs; as well as individual attitudes toward equity and diversity.

3.4 Data collection methods

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 how supervisory officers, managers, school administrators, and Human Resources staff implement these policies.

The 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. In total, 33 files for competitions held between 2021 and 2022 were randomly selected and reviewed to determine whether staffing policies and practices are being applied in a fair and consistent manner. These files included competitions for nonteaching positions with one vacancy and competitions seeking to hire multiple employees into similar positions.

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

- Job description and job posting
- Selection criteria
- Interview questions and candidate responses
- Reference check information
- Names of interview panel members and reports
- Interview schedule
- Rating and ranking materials, and
- 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 and their experiences in the workplace 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 organizational practices might differ from organizational policies. Consultations were

conducted using various methods and offered all employees multiple opportunities to provide input into this ESR.

In total, over 3,000 employees participated in these consultations, representing about 67% of the Board's approximately 4,500 permanent and temporary employees. This level of participation gave 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, supervisory officers, Human Resources staff, equity staff, and bargaining unit representatives provided input through one-on-one interviews.

Workplace Equity and Inclusion Survey: The link to the online survey was distributed to all employees by email. The survey was open from November 9 to December 9, 2022. Emails were sent to all employees to invite them to share their perspectives through the confidential online survey. In addition, all staff were provided with time during their work day to complete the survey on November 18, the Board's professional development day.

In total, 2,947 employees completed the survey by the cut-off date. Employees shared 457 pages of comments in response to the open-ended questions posed.

Supervisory officers and unions: One-on-one interviews were held with 5 members of the Senior Leadership Team and 4 representatives from employee unions, federations, and associations. These interviews gave the consultants the opportunity to further explore workplace equity, diversity, and inclusion issues and to identify the key challenges the organization will face in implementing the recommendations from this review.

Focus groups: A total of 101 employees participated in 26 focus groups, which were scheduled from November 28 to December 13, 2022, affording various groups of employees the opportunity to provide input into this ESR. Each virtual focus group allowed up to 10 participants. Focus groups were set up by identity group, with separate focus groups arranged for those who identify as Indigenous, racialized, Black, living with a disability, 2SLGBTQIA+, women who do not belong to another group, and men who do not belong to another group.

Separate focus groups were also held for instructional staff and operational staff as well as managers and school administrators.

Emails were distributed to employees asking them to register directly with the consultant to participate in the focus groups.

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.

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.

4. Limitations and Constraints

While we have conducted a thorough review of the GECDSB's employment systems for both instructional and operational staff, this review does not purport to be a comprehensive review of all the employment practices used by the hundreds of school administrators and managers responsible for hiring and supervising staff throughout the Board's hundreds of workplaces. As such, it is important to identify the limitations and constraints of this review.

We focused on the hiring of employees into the organization. We did not examine the teacher transfer process. The consultants also did not review the hiring methods and management practices employed by each manager and supervisor in the GECDSB or the work environment of each of the hundreds of workplaces throughout the Board. Rather, the findings refer to the system as a whole and use employees' comments as indicators of issues that need to be addressed at the corporate level.

5. Workplace Equity Initiatives

This ESR is meant to supplement the other workplace equity initiatives that the Board has underway. Some of these are listed below.

Staff Census

In 2021, the GECDSB conducted its first Staff Census. Along with the results of this ESR, the results of the Staff Census will help the Board achieve the goal of increasing the diversity of its workforce to reflect the diversity of the students it serves.

Student Census

In 2023, GECDSB will conduct its first Student Census which is a demographic survey of students that will provide a picture of the diversity of the student population. The analysis of the data will also help identify systemic barriers and biases within the education system. It will also provide data about the diversity of the student population against which the data from the staff census can be compared, to better identify gaps in representation.

Employee Wellness Advisory Committee

The Board has administered the GuardingMinds@Work survey accompanied by an organizational review. In partnership with School Boards' Co-operative Inc., it is also creating a Mental Health and Resiliency program dedicated to employee wellness. The program will identify and implement best practices in developing a healthy workplace strategy focusing on the mental health and well-being of all staff through prevention, promotion, and workplace support.

JIED Committee (Justice, Inclusion, Equity, Diversity)

This committee, which is representative of Indigenous employees and employees from the equity-seeking groups to collaborate on policy development/revision, professional learning, resource development, and the creation of a system calendar for observances, celebrations, and holidays among a variety of other equity related topics.

Hiring of a Human Rights and Equity System Advisor

In 2021, the Board created a new role of Human Rights and Equity System Advisor. This position will help develop and champion equity-minded policies within the board and strengthen human rights and equity values and practices at the Board.

Human Rights Training

Human Rights training has been delivered to senior administration, school administrators, elementary and secondary school teachers and educational support staff. In addition, various other professional learning sessions have been delivered in support of creating a more welcoming and inclusive learning and working environment.

PART B: Findings & Recommendations

6. Employee Perspectives

Individual attitudes and corporate culture have an impact on the job performance, skill development, well-being, and retention of Indigenous employees and employees from the equity-seeking groups. While some behaviours may not be deemed 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, whether Indigenous employees and employees from the equity-seeking groups are viewed and treated as competent and capable, and whether they feel welcomed and included in the workplace.

While an unwelcoming work environment negatively affects Indigenous peoples and members of the equity-seeking groups, it can also have negative implications for other employees and 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 environments that are not welcoming and inclusive are more likely to leave for other jobs, take extended leaves of absence, and retire early.¹⁵ Unhealthy workplaces also negatively affect the mental health of employees,¹⁶ with mental health now being the leading cause of short- and long-term disability absences.¹⁷

Understanding individual attitudes and the corporate culture also helps to assess an organization's readiness for change and identifies the strategies that will be needed to effect and sustain change. Many workplace equity, diversity, and inclusion efforts have been derailed because they fail to consider the organization's readiness for change, undertake too rapid a pace of change, and undertake initiatives without first

¹⁵ 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 Labour.

¹⁶ Mental Health Works. (n.d.). *How can the workplace contribute to or create mental health problems?* <https://www.mentalhealthworks.ca/resources/how-can-the-workplace-contribute-to-or-create-mental-health-problems/>

¹⁷ Chai, C. (2017, May 5). *500,000 Canadians miss work each week due to mental health concerns*. Global News. <https://globalnews.ca/news/3424053/500000-canadians-miss-work-each-week-due-to-mental-health-concerns/>

ensuring the needed understanding and buy-in from people leaders and employees. Implementing diversity programs without creating this foundation of understanding can create fear and resentment and lead to backlash.

Employee perspectives and experiences act as a window into whether employment systems are fair—and are perceived to be fair—and help to identify how organizational practices, along with supervisor and management behaviours, might differ from organizational policies and the organization's stated commitment to equity, diversity, and inclusion. Employees also provide critical insight into the organization's culture and work environment, including uncovering resistance to equity, diversity, and inclusion efforts.

Over 3,000 employees participated in the consultations for this ESR, representing about 67% of the Board's approximately 4,500 permanent and temporary employees. This level of participation gave us sufficient data to identify workplace issues and make recommendations for change. It is important to note that we do not verify the experiences shared by employees. The perceptions and experiences that they shared are accepted as provided and have been reviewed to identify themes. These issues were further explored through the virtual focus groups.

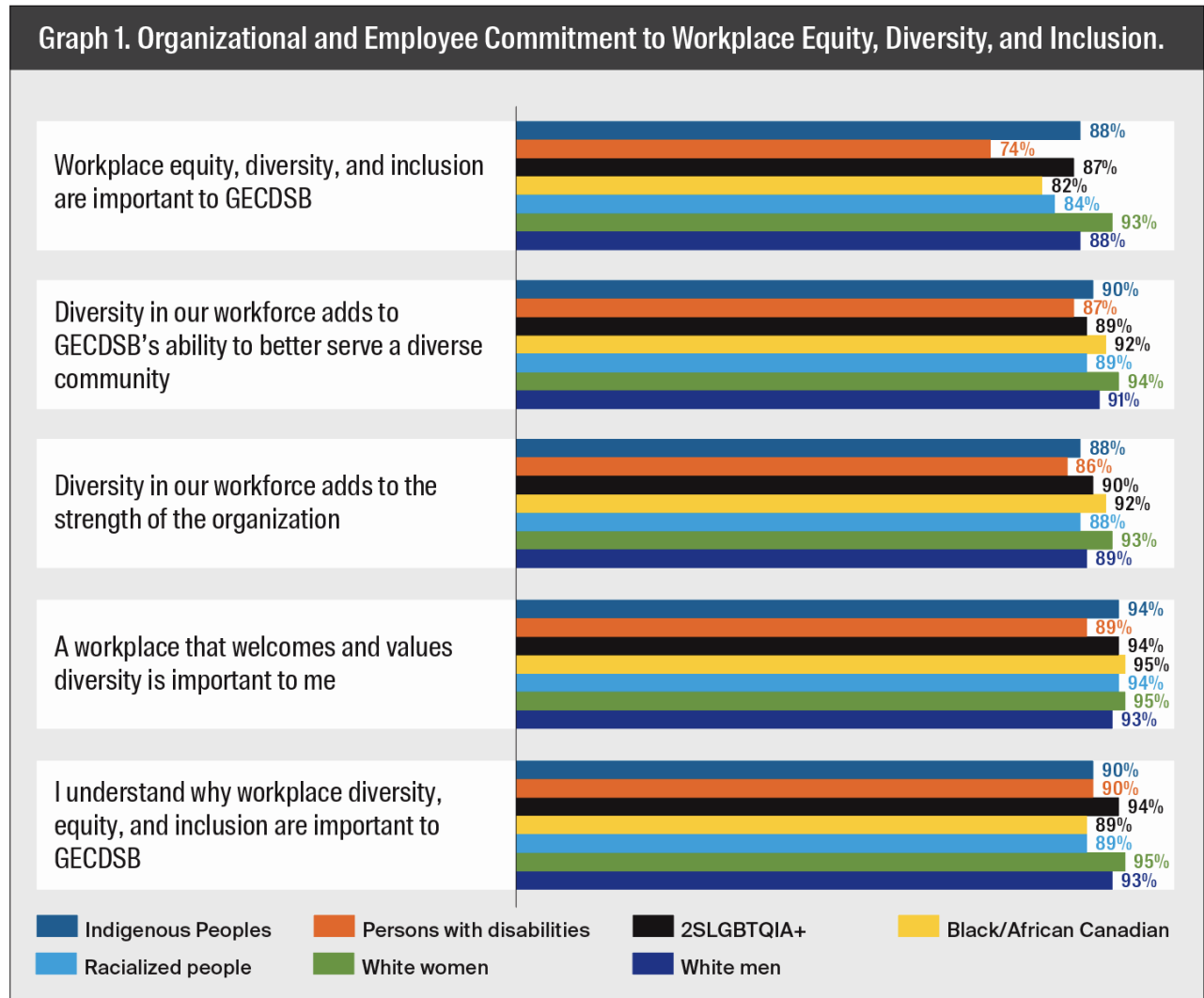
In the online survey, employees were asked about the extent to which they agreed with a number of statements. They were able to identify whether they strongly agreed, agreed, disagreed, or strongly disagreed. They were also able to indicate whether they don't know or the question was not applicable. To simplify the graphs and allow for ease of analysis, the graphs show the combined proportion of employees who indicated that they agree or strongly agree with the question.

The data collected through the online survey is graphed, with the responses broken down for each group so that we were able to explore the different perceptions and experiences of these groups: Indigenous employees (80 survey respondents); racialized employees (183); Black/African Canadian employees (66); employees with disabilities (180); 2SLGBTQIA+ employees (109); White women (1,515); and White men (367).

The report then goes on to explore the themes identified through the conversations with employees in the focus groups and interviews as well through the over 400 pages of stories, information, and perspectives shared through the online survey. Quotes are used throughout to allow the reader to hear directly from GECDSD employees in their own words.

6.1 Attitudes and corporate culture

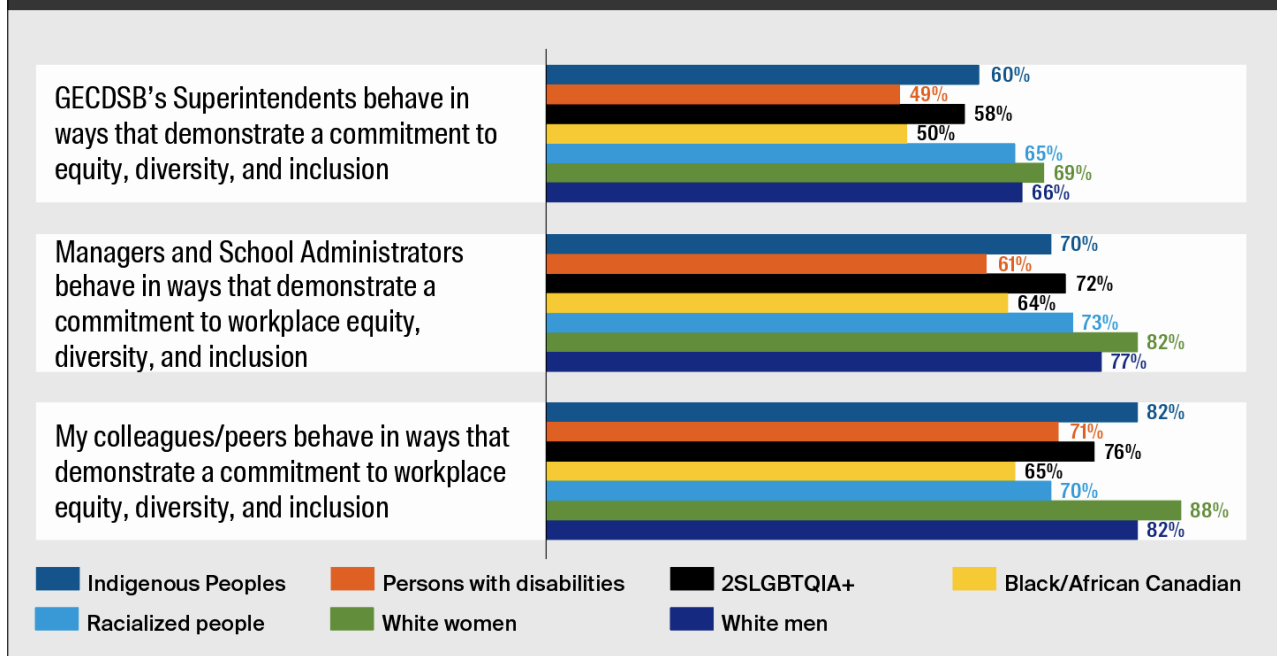
The Workplace Equity and Inclusion Survey asked respondents about their own commitment to workplace equity, diversity, and inclusion as well as their perception of the Board’s commitment to it.



As Graph 1 shows, the majority of each group agreed that equity, diversity, and inclusion are important to the GECDSD.

The majority of each group also agreed that diversity in the workforce adds to the GECDSD’s ability to better serve a diverse community, that diversity adds to the strength of the organization, and that a workplace that welcomes and values diversity is important to them. The vast majority of survey respondents also reported that they understand why workplace equity, diversity, and inclusion are important to the Board.

Graph 2. Demonstrated Commitment to Workplace Equity, Diversity, and Inclusion.



As Graph 2 shows, survey respondents were also asked whether they believe that the behaviours of Superintendents, managers and school administrators, and colleagues and peers demonstrate a commitment to equity, diversity, and inclusion.

Smaller proportions of all groups agreed that Superintendents behave in ways that demonstrate a commitment to equity, diversity, and inclusion. Slightly larger proportions agreed that managers and school administrators behave in ways that demonstrate a commitment to equity, diversity, and inclusion, with even larger proportions agreeing to the same about their colleagues and peers.

Black employees and employees with disabilities were the least positive about whether leaders and the colleagues behave in ways that demonstrate a commitment to equity, diversity, and inclusion.

In the focus groups, employees were asked about the positive and challenging aspects of working at the GECDSD. These general questions were asked at the beginning of the focus groups to help the consultants better understand the experiences of Indigenous peoples and members of the equity-seeking groups within the larger organizational context.

Positives

Employees who participated in the focus groups expressed a deep commitment to their jobs and to their work with students and the school board. When asked about the positive aspects of working at the GECDSD, participants identified the following:

- The ability to work with and support students and families
- Working with knowledgeable and committed colleagues

- The sense of community and relationships they've formed with co-workers
- The ability to work in, and contribute to, the community in which they live
- The Board is relatively small, so they can get to know many people, but they can still have varied experiences with the same organization
- Visible symbols of safe spaces in classrooms (e.g., rainbow flags)
- Access to professional learning opportunities in order to continuously learn and grow
- Positive changes taking place in curriculum
- The Board has a large geographical footprint, which allows for movement options
- Development of long-term education relationships with students.

Challenges

In addition, the following challenges were identified by focus group participants. While some are related to equity, many of these challenges are related to the structure and funding of the Board, and are therefore outside the scope of this review:

- Lack of training and supports for school administrators on topics critical to their role
- Lack of support from senior leaders when issues are raised in the media
- Lack of support from school administrators for instructional staff
- Concerns that the Board needs to do more to address the safety of employees
- Some felt that the approach to professional learning does not provide employees with the opportunity to process the information presented
- Perception that support staff are not respected or valued
- Insufficient professional learning opportunities and resources provided to teachers for students to be successful with de-streaming
- Current information technology is insufficient and outdated
- Difficulty finding teachers willing to volunteer their time for extracurricular activities
- Lack of diversity at senior administration level
- Excessive number of initiatives put out by the Board are unachievable and create high demands on employees

- Perception that the Board is behind schedule in equity, diversity, inclusion, and human rights compared with other Boards
- The limited ability to balance work and family responsibilities for teachers and school leaders, given the demands of their jobs.

Many participants, in particular those who are also parents and those who have disabilities or underlying health conditions, also shared that teaching and working during the COVID-19 pandemic has added to the challenges of working at the GECD SB. They discussed the impact on their physical and mental health as well as that of students.

Approach to workplace equity, diversity, and inclusion

Employees shared their perception that the Board is at the beginning of its equity journey. As a result, there continues to be a good deal of ignorance about workplace equity along with resistance to this work. Employees shared that those who are champions of equity and try to make change are going against the established culture of the organization, and they therefore continue to experience reprisal for engaging in this work. They shared that because these individuals are disrupting the culture and processes within the Board, they feel that these equity champions have experienced reprisal and have been “blacklisted” from various opportunities. Some of those who participated in the focus groups and who completed the online survey expressed their concern that their identities would be disclosed and that they could experience reprisal for participating in this ESR. While some employees shared that the anonymity allowed them to be completely honest about their experiences at the GECD SB for the first time, others shared that they still didn’t feel comfortable being completely honest about their perceptions and experiences.

Some employees also shared their perception that the equity work currently underway is performative and is simply being undertaken to appease members of the community. They don’t feel that there is a deep commitment to equity at the Board. In particular, they feel that senior leaders need to consistently, through their own behaviours, demonstrate a commitment to equity, diversity, and inclusion.

Our interviews with members of the Senior Leadership Team highlighted that there are varying levels of understanding of equity and of the issues faced by Indigenous peoples and members of the equity-seeking groups within the Board. Some leaders themselves admitted that there is a large knowledge gap among senior leaders and school administrators regarding equity and human rights. However, others felt that leaders have the capacity to effectively create an equitable organization and handle complaints, as they have had sufficient training and know that they can receive support from Human Resources and the Human Rights and Equity System Advisor.

Equity fatigue

Survey respondents expressed that they felt some fatigue with the subject of equity consistently being foregrounded at professional learning sessions. They shared

their perception that the Board is at the beginning of its equity journey and has been intensely focusing on equity for the past 3 years, but they feel that it has been at the expense of other issues.

There were also many respondents that shared an understanding of the importance of equity, diversity, and inclusion but were looking for greater balance between focusing on equity and other issues.

Lack of understanding/resistance to the Board’s equity work

Some survey respondents do not welcome the focus on equity. Some of those who self-identified as White shared that they are growing tired of discussions about racism, which they feel shames them for being White. Their comments indicate that much more education and training is needed to develop their understanding of equity, the impact on student success, and their obligations to foster respectful learning and working environments.

Some shared the common misconception that by focusing on equity, the Board is now engaged in “reverse discrimination” and that White men are currently experiencing discrimination. Some employees shared that some employees openly share their resistance to equity, directing their comments at racialized employees in particular.

While not pervasive in the comments shared through the online survey, the lack of understanding of and open resistance to equity puts the GECDSD at risk of successful human rights complaints from both students and staff.

Recommendation 1: It is recommended that the GECDSD develop a multifaceted communications/learning strategy that is updated on an ongoing basis (and which may include newsletters, lunch and learns, book clubs, podcasts, 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
- Defining key terms and concepts, and
- Developing and communicating a business case for workplace equity, diversity, and inclusion that links the organization’s equity, diversity, and inclusion efforts to student success.

Recommendation 2: It is recommended that all Supervisory Officers learn about equity in leadership and receive individual coaching to support their ongoing development and deepen their ability to lead the Board’s equity efforts and embed equity into all that the Board does.

Recommendation 3: It is recommended that the Board share this report and the resulting action plan with employees and members of the school community and

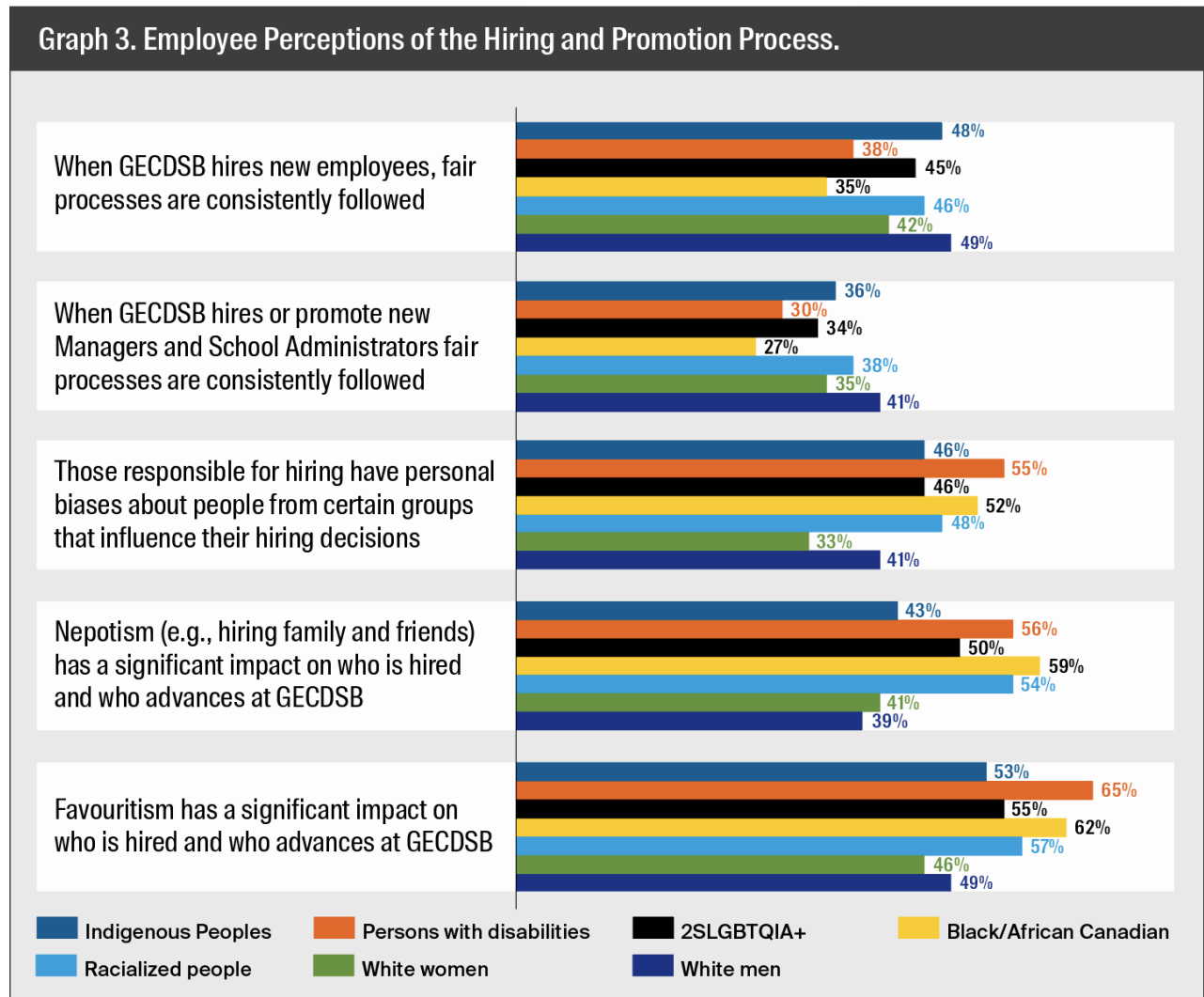
provide regular updates with respect to implementation to better support employees to understand the need and rationale for its equity, diversity, and inclusion efforts.

Recommendation 4: It is recommended that issues of equity and human rights be embedded into all other training provided to employees so that they are able to see the connections between equity and all the work they do.

Recommendation 5: It is recommended that the Board create an equity vision statement that is posted in each workplace, included on email signatures and other places of prominence, and read at the beginning of meetings to remind employees of their collective commitment and responsibility to foster equitable working and learning environments equity and its impact on outcomes for students.

6.2 Perceptions of the hiring and promotion process

The online Workplace Equity and Inclusion Survey asked employees about their perceptions of the hiring and selection process at the GECDSD.



Graph 3 shows that while there are differences among the seven groups, employees expressed an overall lack of confidence that the Board's hiring practices are fair and consistent. Fewer than half of the respondents from each group agreed that when the GECDSD hires new employees, or hires and promotes new managers and school administrators, fair processes are consistently followed. Black employees and persons with disabilities were the least positive about the hiring and promotion processes.

Close to half of employees who identify as Indigenous, racialized, Black, living with a disability, or 2SLGBTQIA+ agreed that those responsible for hiring have personal biases about people from certain groups that influence their hiring decisions. By comparison, 33% of White women and 41% of White men agreed with this statement.

Similarly, White women and White men were the least likely to agree that nepotism and favouritism have a significant impact on who is hired and who advances at the GECDSD. A slight majority of most other groups reported their perception that nepotism and favouritism have a significant impact on who is hired and who advances at the GECDSD.

In the online survey and focus groups, employees were asked to share their perspectives on the hiring and promotion process at the GECDSD and whether they think there are barriers in any part of the process. Many shared that they have no knowledge or experience of the Board's current hiring and promotion processes and were hired by the Board so long ago that they are unable to provide any meaningful input.

There were also some who shared their perspective that hiring and advancement at the GECDSD is fair and bias free.

I do believe it happens in other workplaces; but the GECDSD is very fair and welcoming to people of all nationalities.

I believe the GECDSD is doing its best to promote a discrimination-free interview process.

In my experience, the process seemed to be fair and inclusive.

The vast majority of those who commented about the Board's hiring and promotion processes shared a number of concerns, which have been summarized into the following categories.

- ***Nepotism and favouritism:*** The issue of nepotism and favouritism was frequently raised as a barrier to the fair hiring and advancement of employees. Respondents felt that hiring and advancement at the Board was based more on relationships than on merit. Because of the lack of diversity within the Board, hiring based on relationships rather than merit perpetuates the lack of diversity. Hiring based on personal relationships also means that the Board isn't hiring

the best person for the job. Some also shared that these relationships have a significant impact on whether and how inappropriate behaviours are dealt with. They shared that at times, their complaints of inappropriate behaviours are dismissed, minimized, or not appropriately dealt with because of the relationship between the school or system leader and the perpetrator of these behaviours.

- Even some of those who have benefited from nepotism and favouritism acknowledged that these relationships have contributed to their employment at the GECDSD. Some survey respondents also lamented the repeal of Regulation 274, which they feel held these nepotistic practices in check. They feared that with the repeal of the regulation, nepotism will have a more significant impact on who is hired and who advances at the Board.

Nepotism within our board is disgusting. Even when they were supposed to be following seniority, the sons and daughters of principals and superintendents would be given jobs that were either created for them, or were never advertised to anybody else . . . Everybody knows it happens and knows somebody who was hired through nepotism and it ends up affecting people down the road when they bumped from a school or position because this other person had seniority even though they should not have.

I know that when I was hired, my resume made it to the right desk because my mom knew someone at the Board office so I know this happens.

Hiring family members of teachers in the GECDSD has a significant impact on who is hired and especially on who advances in the Board, for example getting an LTO right away; being bumped up on the OT list; getting chosen for a contract position way sooner than anyone else, etc.

- **Lack of fair, consistent, and transparent hiring and promotion processes:** Survey respondents also felt that there was a lack of fair and formal hiring and promotion processes that are consistently followed across the organization. They shared that they are unsure of how the hiring process works, what is needed to advance at the Board, and how they would be assessed in the hiring and promotion process.

Some also shared that while they have asked for feedback following a competitive hiring process, they have not been given feedback, or the feedback they've been given has not been constructive. Some shared that the lack of willingness to provide honest and constructive feedback to unsuccessful candidates have fuelled their suspicion that Board hiring processes are not based on merit.

I personally believe that these decisions are made by the interview committee or panel of individuals on the interview team. This can be as little as two people or a team of individuals. There is often no criteria or checklist. I am not aware of a weighting scale or way to determine who is the best fit for the job. I am not sure if a ranking system is used. Most often, when I have participated in this process as part of the panel, a large component is based on anecdotal comments and a simple yes or no.

Qualifications and selection process to advance from an OT to a contract teacher is a complete mystery at the moment. Postings have not been published, nor are interviews being given to get a contract, at least at the secondary level. Having no transparency about these processes is a significant barrier in the first step one would take to advance to any kind of a senior position.

When I was going through the hiring process, I found that the more I networked with people the more I benefited. Without talking with people already hired by the GECD SB, I would not have been aware of how the process works and feel that I would have had a harder time.

Within the hiring process, expectations are often unclear. Vagueness is often purposeful as it leaves the Board more room for manipulating the process to their benefit.

Admin promotion seems like a “mystery” year over year.

- **Manipulation of the hiring process:** Employees also shared their concerns that the hiring process is manipulated to ensure that principals are able to hire their preferred candidate. They feel that often the hiring decision has been made before the hiring process has begun and interviews are conducted to give the appearance of a fair and competitive process. Some also shared their experience of people being placed into a position without interviews having been conducted.

There is a perception that the Board often has their minds made up about who they want to hire for the position and that the interview process is something they do because they are required to. Thus, a strong interview will not change the minds of those on the hiring panel.

I was in the lunch room when a hiring process was going to proceed in the upcoming week. I HEARD an administrator tell a prospective applicant what to SPECIFICALLY wear so that the interviewing personnel KNEW who to hire for a position that was available.

- **Focus on performance in interviews and use of buzzwords:** Concern was also raised that the focus of the interview process is on one’s performance in the interview rather than a fair assessment of one’s competence, knowledge, skills,

and experience for the role. Employees commented that the need to know the right “buzzwords,” the lack of probing to ensure that candidates understand concepts, and the superficial interview questions mean that the interview process does not give employees the opportunity to fully demonstrate their skills, knowledge, and experience for the job.

It took me several applications to be hired initially because I was unfamiliar with the language of education and “Learning For All” and “Growing Success.” Once I received materials and coaching I was successful.

There is too much emphasis on Eduspeak and hitting on the current buzzwords. It is more important to consider the candidates as individuals, looking specifically at qualities, abilities and experience

Questions are focussed on memorizing student success documents, so who can regurgitate what the Board wants to hear, not what the teacher can do to improve the lives of students through education.

- **Negative impact of an unfair hiring process:** Some employees shared their perspective about an unfair hiring process. They felt that it means that the best person for the job is not always hired, which short-changes students. They also felt that the lack of a fair hiring and promotion process has resulted in little diversity within the organization. Again, employees commented on the negative impact this has on students when they don’t see themselves reflected at the front of the class and in leadership positions. This not only negatively impacts their academic achievement and well-being, but helps to shape their perception about whether teaching is a career option that they could pursue.

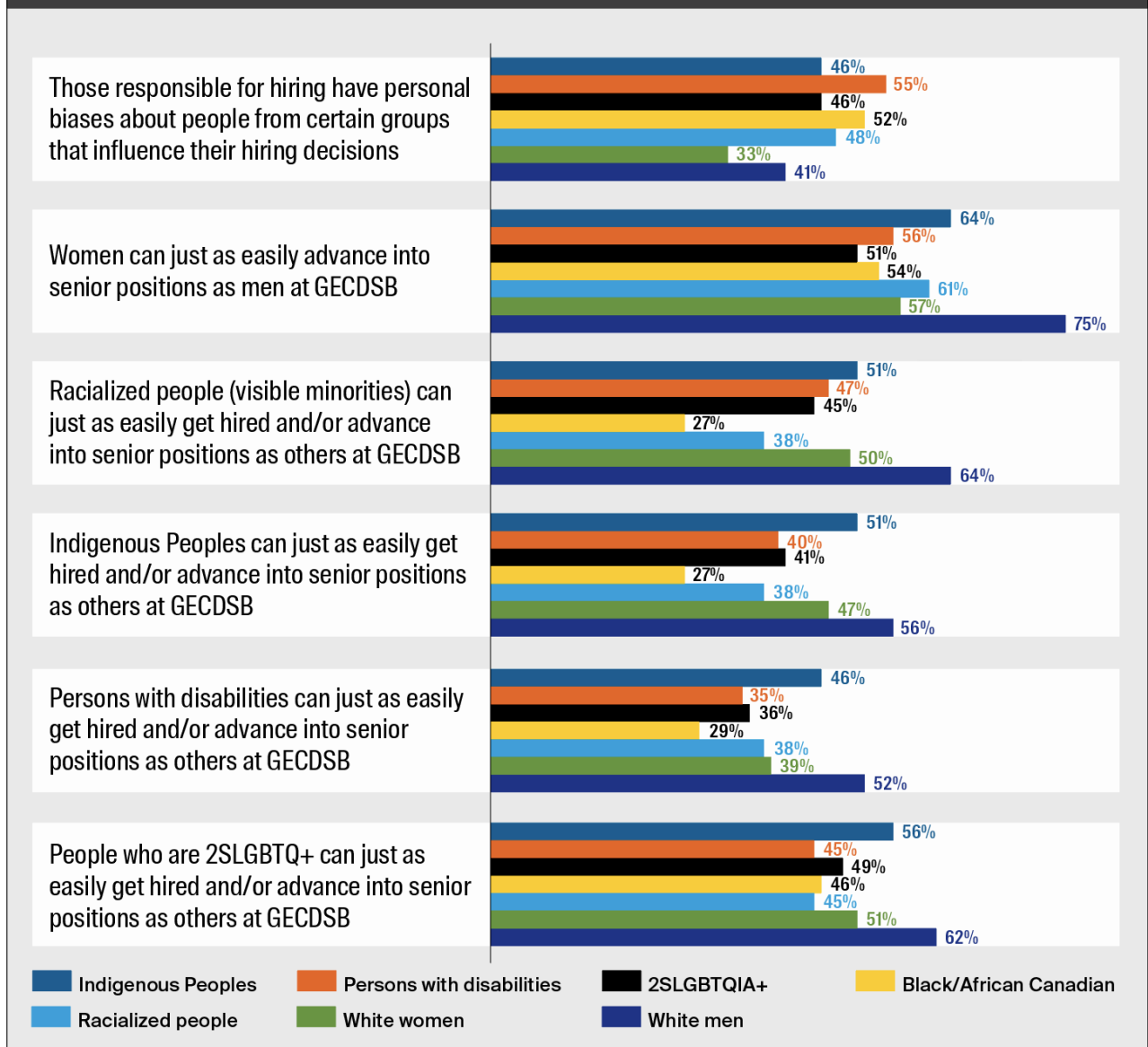
Employees also shared the negative personal impact of an unfair hiring process. Some referred to it as disheartening and discouraging when they don’t feel that they are able to know about job openings, express an interest, and be fairly assessed against their peers. Some shared that because of this, they have decided to leave the teaching profession, leave the GECDSD, or retire early.

Some also shared that after years of being in a position below their level of skill and experience, they have in effect been de-skilled and wouldn’t be able to compete for a job opening on an equal level with others who have been supported to develop their skills and knowledge over the years.

The survey also asked employees about their perceptions of the impact of bias in the hiring and promotion process on various groups of employees.

As Graph 4 shows, White men were the most positive about whether Indigenous peoples and members of the equity-seeking groups can just as easily get hired and/or advance at the GECDSD. Overall, Black employees were the least positive about the ability of these groups to be hired and/or advance at the GECDSD.

Graph 4. Employee Perceptions of the Impact of Bias in the Hiring and Promotion Process.



Many survey respondents expressed frustration and disappointment that while the population of the region has become increasingly diverse, the GECDSD has not done enough to reflect this diversity in the hiring of teachers, employees, and leaders. Most noticeable for them is the lack of racial diversity among Board staff, particularly teachers. They commented that while they do see that there are more members of the equity-seeking groups working as occasional teachers, it continues to be difficult for them to get permanent teaching positions. While a number of employees shared that they don't know enough about the hiring process, the gaps in representation between the diversity of teachers and students in their schools suggests that the GECDSD has an issue with the hiring process.

Hire a more diverse staff! All students should see themselves reflected in the space around them at all levels.

Every school I go to, the majority of employees are white. I do not see much other groups: Black, Asian, Arab, etc.

In the comments to the survey, employees shared their experiences and perceptions of the barriers that Indigenous peoples and members of the equity-seeking groups face in the hiring process, including the following:

- **Lack of accommodation:** A number of employees shared that accommodation of employees with disabilities or those who may need more time in the interview is not considered to support their full participation and success in the hiring and selection process.

The interview process does not take into consideration processing time, or different types of learners.

People with anxiety or mental health struggles will not perform as well in a traditional interview format. There should be alternative ways to interview for positions.

I feel that there are barriers for individuals who may have English as a second language. I have worked with an individual who is an English language learner and was an AMAZING employee but could not get full time because that individual was NOT successful in an interview due to not fully comprehending the question.

I think that giving applicants a specific time period (e.g., 20 minutes) to read and answer 4-5 questions and manage their time could be difficult for people who do not have English as a first language or those who have processing delays.

- **Race, names, and perceptions about identity and English language skills is a barrier:** Employees also shared that Indigenous and racialized employees face barriers in the hiring and promotion process because of assumptions about them by members of the interview panel. Some Indigenous employees shared that when they can hide their identities, they do so when applying for positions. Others shared that because of their name and assumptions made about their English language skills, they are passed over for opportunities. Some also felt that nonverbal behaviours that are culturally determined are included in the panel's assessment of job candidates.

I believe there are barriers depending on their background and culture. I know that there are minorities who are in the system and haven't gotten a permanent position in their respective fields and new hires have been given those positions right away, even though we are told it is all seniority based.

Eye contact is given as feedback and necessary when this is not always culturally taught or comfortable to some individuals who are being held back for this lack of expected norm.

- **Sex discrimination:** Throughout the focus groups and online survey, employees shared that historical and present-day practices of sex discrimination have created barriers for women. They shared being overlooked for positions because they were on maternity leave, that they might go on maternity leave, or because they were women.

It is important to note that a number of people shared their perception that the lower proportion of male teachers is an indication that men experience discrimination in hiring at the GECDSD—despite there being no evidence that men experience discrimination in the labour market, even in female-dominated professions.

The interviewer asked me how often I was off on maternity leave.

In my career with this board, teaching for over 20 years, I have noticed that males are hired as principals far more than females, and that many of these males are taller in stature, also taken from the Athletic Departments. This is discriminatory.

Women are systematically being overlooked and undervalued in this organization. It is not only degrading, but completely demotivating. I no longer want to extend myself to do anything above and beyond for this board as a result of these experiences.

Employees also shared that the process for conducting interviews virtually is challenging. They shared that members of the interview panel don't always turn on their cameras and that their own issues with internet connectivity have negatively impacted how they were assessed during the interview process.

Throughout the online survey, there were employees who shared that there are no issues with the Board's hiring and promotion policies and processes, and that efforts to address equity and increase diversity is having a negative impact. They shared their perception that because the Board is placing too much focus on hiring people from diverse backgrounds, the best person for the job is not being hired and that White people, particularly White men, are now at a disadvantage. These survey respondents also shared the misperception that the Board has "diversity hiring," "quotas," or "affirmative action" policies in place, which they feel has resulted in the hiring of employees from diverse backgrounds who are not fully qualified for their role. This resistance to equity puts the Board at risk for a successful human rights complaint. As such, it is important for the Board to address these misperceptions and educate its employees about employment equity, the benefits to the organization, and the benefits to students.

Recommendation 6: It is recommended that all hiring panels be required to provide constructive feedback to unsuccessful internal candidates, when requested, and that they be provided with the appropriate tools to be able to do so.

Recommendation 7: It is recommended that all those involved in the hiring process (from screening of applications through to interviewing and making the hiring decision) be required to sign a declaration that they have no conflict of interest, including that they have not been influenced by another Board employee to hire someone.

Recommendation 8: It is recommended that all those involved in the hiring process receive appropriate training and written guidance to support a bias-free hiring process (both in person and virtual), including training on how to identify and minimize unconscious bias.

Recommendation 9: It is recommended that the GECDSD move toward a system that allows for the anonymization of resumes.

Recommendation 10: It is recommended that the GECDSD keep employees and the community updated about its efforts to create a bias-free hiring process and that it communicate changes to the hiring and promotion process broadly throughout the school community to increase employee confidence in the hiring and selection process.

Recommendation 11: It is recommended that the GECDSD communicate its efforts to diversify the workforce to ensure that those within the school community understand that fully qualified and capable employees are being hired and that it also communicate the need to diversify the workforce and the impact on student success and well-being.

Recommendation 12: It is recommended that the GECDSD communicate the myths and misconceptions about employment equity.

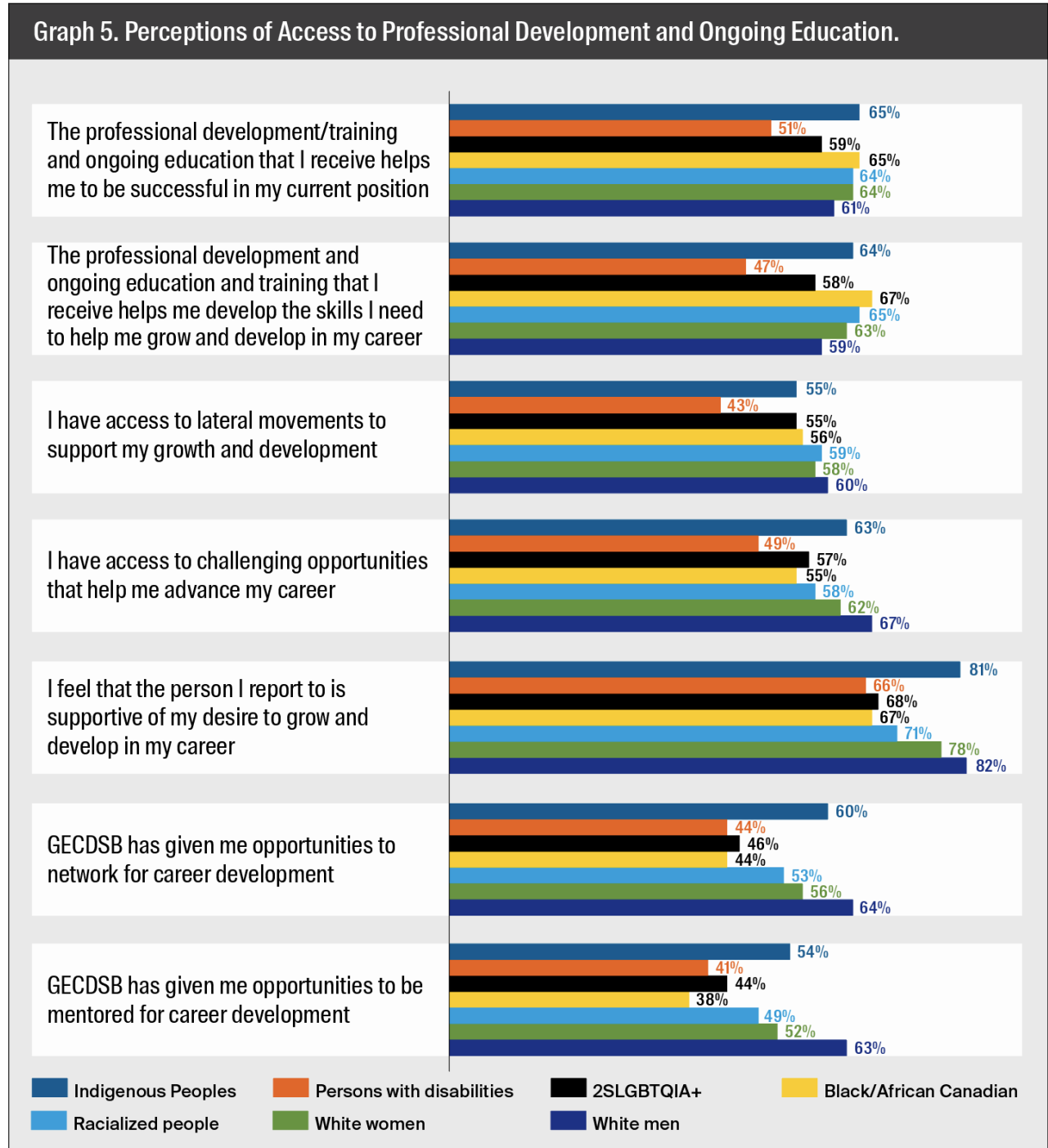
Recommendation 13: It is recommended that the GECDSD educate employees about the discrimination (both interpersonal and systemic) that Indigenous peoples and members of the equity-seeking groups experience in the labour market, and hence the need for employment equity programs.

Recommendation 14: It is recommended that the GECDSD develop a program with the University of Windsor to encourage students from diverse backgrounds to become teachers.

Recommendation 15: It is recommended that all newly hired staff complete a self-identification survey and that the Board report publicly on its efforts to diversify the workforce.

6.3 Perceptions of opportunities for advancement

Research consistently shows that Indigenous peoples and members of the equity-seeking groups 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 where these groups are well represented and even when employees have qualifications, skills, and abilities comparable to those of their counterparts.¹⁸

The Workplace Equity and Inclusion Survey asked employees to share their perceptions of their opportunities for advancement. As Graph 5 shows, the majority of most groups feel that they have access to the professional development and training needed to be successful in their current positions, develop in their careers, and have access to lateral movements and challenging opportunities. However, only about half of all Black respondents agreed that this was the case for them.

White men were the most positive about whether the person they report to is supportive of their desire to grow and develop in their careers, whether they have been given opportunities to network, and whether they have been given opportunities to be mentored. Overall, employees who identify as Black, persons with disabilities, and 2SLGBTQIA+ were the least likely to agree.

Employees shared their perspective that having personal connections at the Board and the support of one's principal means not only having your name passed on to those involved in hiring, but also being supported in your development and advancement at the Board. Some shared that for many employees, their career trajectory is not dependent on their skills, abilities, and ambition, but instead on whether they are well liked and supported by someone in leadership. They also shared that the reverse is also true—your career can be stalled if someone in leadership doesn't like you. Employees shared that despite being fully qualified, they have been overlooked for opportunities because a principal or superintendent voiced negative opinions about them. They noted that these negative perceptions are unrelated to their ability to do the job but often relate to their role as a champion of equity, their identity, or personality conflicts.

Often it seems that interviews are just formalities/hoops to jump through. People seem to be groomed for positions.

¹⁸ 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. <https://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*. <https://www.conferenceboard.ca/e-Library/abstract.aspx?did=5925>

Catalyst. (2007, June 15). *Career advancement in corporate Canada: A focus on visible minorities*. <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)*. https://www.torontomu.ca/content/dam/diversity/reports/DiversityLeads_Gender_2012.pdf

There was one principal who was able to make a unilateral decision to keep my name from the list, even though there were other principals who voiced that I should be placed on the list. One principal was able to inhibit the advancement of my career.

Recommendation 16: It is recommended that the GECDSB develop a program for aspiring leaders who are Indigenous, Black, and racialized to support their advancement within the organization.

6.4 Accommodation

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 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 staffing.¹⁹

While an unwelcoming work environment negatively affects Indigenous peoples and members of the equity-seeking groups, it can also have implications for other employees and 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.²⁰ Unhealthy workplaces also negatively affect the mental health of employees,²¹ which has contributed to mental health becoming the leading cause of short- and long-term disability absences.²²

¹⁹ Canadian Human Rights Commission. (2002). *Employment systems review: Guide to the audit process*. <https://publications.gc.ca/site/eng/313423/publication.html>

²⁰ 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. <https://www.forbes.com/sites/sebastianbailey/2014/05/20/why-we-should-prioritize-the-i-in-d-and-i/#2e8461da600d>

²¹ Mental Health Works. (n.d.). How can the workplace contribute to or create mental health problems? <https://www.mentalhealthworks.ca/resources/how-can-the-workplace-contribute-to-or-create-mental-health-problems/>

²² Chai, C. (2017, May 5). *500,000 Canadians miss work each week due to mental health concerns*. Global News. <https://globalnews.ca/news/3424053/500000-canadians-miss-work-each-week-due-to-mental-health-concerns/>

A work environment that is known to be unwelcoming to employees from Indigenous and equity-seeking communities can also pose challenges to an organization that is trying to recruit from these communities. Being seen as an unwelcoming employer within 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 more diverse population and from younger generations that are much more comfortable with, and welcoming of, diversity.

The Ontario *Human Rights Code* and the *Occupational Health and Safety Act* place legal obligations on all organizations to create workplaces that are free from violence, harassment, and discrimination. Furthermore, 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 (which includes pregnancy and breastfeeding), age (related to disability), and gender identity.

In addition, where organization-wide barriers exist, employers are expected to actively identify and remove them rather than require each affected employee to submit 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 implemented or phased in.

6.4.a Accessibility and accommodation for persons with disabilities

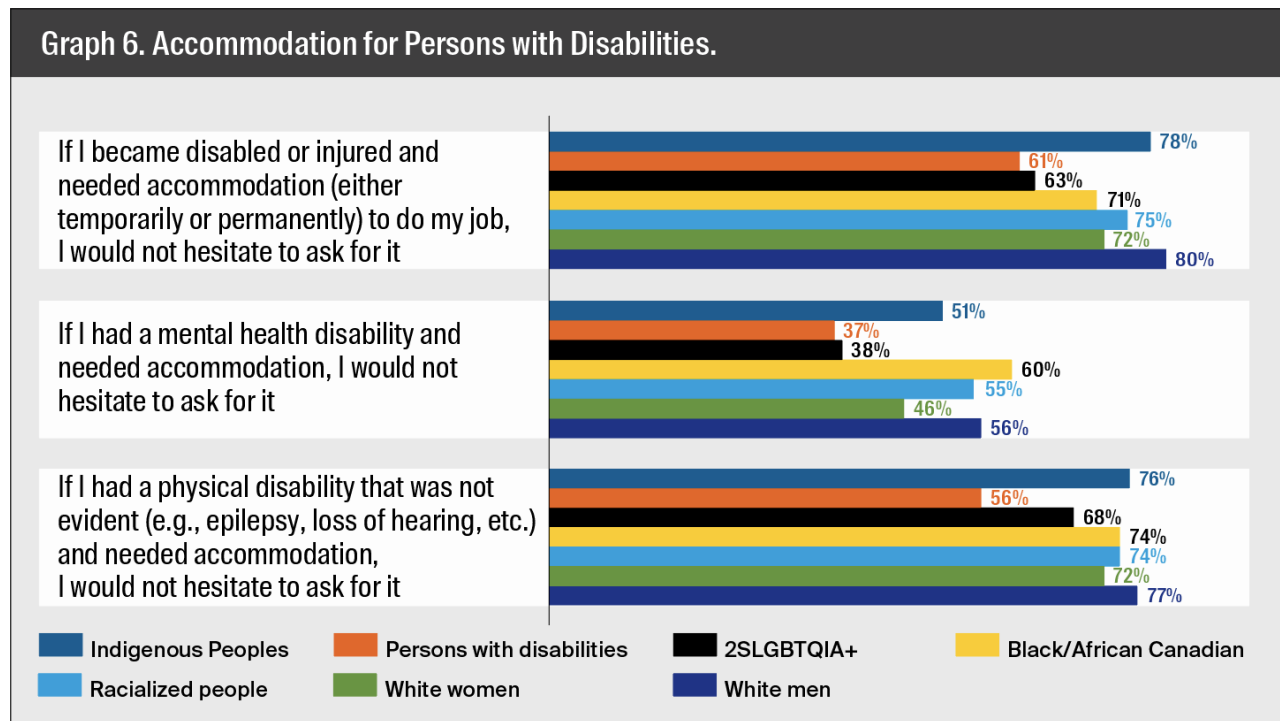
The Ontario *Human Rights Code* prohibits discrimination on the basis of disability. In addition to complying with the Code, the Board must also comply with the requirements of the AODA to make the organization and its services accessible to students, employees, and members of the community who have 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 considered 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 an 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 environment in which all employees are able to fully engage in the work environment.

The Workplace Equity and Inclusion Survey asked employees about accommodations for persons with disabilities. Graph 6 shows employee responses to these questions.

As Graph 6 shows, the majority of each group indicated that if they became disabled or injured and needed accommodation to do their job, they would not hesitate to ask for it. While similar proportions indicated that if they had a physical disability that was not evident and needed accommodation, that they would not hesitate to ask for it, employees in all groups were less likely to report that they would ask for accommodation for a mental health disability.

It is important to note that when asked about accommodation, persons with disabilities—the group who would be most in need of accommodation—were the least positive about requesting accommodation.



The comments on the survey regarding accommodation are grouped into the following themes and highlight the challenges employees experience in accessing the needed accommodation based on disability.

- Positive experience of receiving accommodations:** A number of survey respondents shared positive experiences of having their accommodations granted with little or no difficulty.

Due to an injury, I feel as though my board and my union have done a wonderful job in accommodating my needs. In the incidents that I had last year, my staff and admin were excellent in checking in with me.

I had a [physical] problem, and asked that I could have [accommodation] during staff meetings, and mentioned that I may need to ask for repetition from time to time, and my principal was very receptive and accommodating.

- **Fear of judgement for receiving accommodations:** Some respondents spoke about feeling guilty or fearing the impact on their careers of making accommodations requests and accepting them. They feared judgement from the Board and the perception that they are a burden to the organization.

Mental health accommodations are not taken seriously by our board, and based on a previous experience where I was made to feel like less than and like I was “in trouble,” I feel anxious, worried, and judged should I need these accommodations in the future, and I have hesitated to submit paperwork because of this. I have been told by other employees on mental health leaves that Board senior employees follow them when they are on leaves. It’s disheartening and makes me feel trapped. People should not be made to feel like they are “taking advantage” of a leave by being followed or harassed by HR.

I am made to feel like I am “causing problems” and not fully supported. I have had to remind my principal repeatedly of accommodations over the years. A fellow employee who needs/has the right to the same accommodations is treated worse. I would go so far as to say “bullied” because she is not as vocal as I have had to be. Unfortunately, the principal has shown more support for his buddies at work and tells us that he will meet expectations “if it’s possible.” I have had to contact my union on more than one occasion.

After surgery I was provided with a list of accommodations required before returning to work. No one ever ensured I was receiving them (I was not), but I did not want to provide any hardships or make things more difficult so did not say anything.

I have only asked for accommodations once in my 5 years at the Board. I felt guilty for taking these accommodations. The process caused me a lot of stress and mental health issues. It was not a good experience in my life.

Always feel like I’m doing something wrong or I’m a burden and like I shouldn’t be asking.

- **Struggle for accommodations to be met:** Survey respondents spoke of the challenges they faced in having their accommodation requests recognized and followed through on. They indicated that it was their school administrator or manager, or Human Resources staff, who had acted as the barrier to accommodation. Some described receiving little assistance from their union. For some, the difficulty receiving accommodation made them give up hope on the process and find ways to deal with their disability on their own. Some described the process as “excruciating,” “demeaning,” a “battle,” and that they had to “jump through hoops of fire” to get the needed accommodation. While others shared that there is a great deal of paperwork which isn’t maintained

in their files, requiring that they go through the process again to receive accommodation.

- **Unmet needs in the accommodations process:** While some respondents reported that effort was made to accommodate them, they felt that their needs were not fully accommodated. Some employees shared feeling that they were required to return to work early, even though they had not fully healed from their surgery or injury.

I am supposed to have accommodations for [a physical disability] and have had to “meet halfway” on a number of “as good as we can do” solutions. Some accommodations have been made very quickly and well, but others have never been handled completely.

Needed accommodations for recovery after surgery. Was allotted X amount of weeks off to recover at home. Was not in a position to return “safely” in the eyes of some of my medical team. Voiced this concern to the health officer and requested an extension on time off to further recover (2 weeks). Was told that the OT had already been re-assigned . . . they felt that there were appropriate accommodations available to return to work. Honestly just gave me the impression that it’s more important to be at work than to be at work at “full” health.

- **Challenges going through the accommodations process:** Respondents shared that the accommodations process itself was difficult to navigate, and that it was not always clear what steps they were meant to follow. These challenges have led to confusion and feelings of frustration for some. Others felt that they were not treated with respect by the person they report to or by Human Resources staff; they felt that their request for accommodation was not handled in good faith and that they were treated as though they were trying to cheat the system.

I feel like the process was messy as there was a lack of communication between the parties involved with my request. I was getting conflicting information and I feel as though transition from an LTO to a contract position changed things in a way that made things more confusing, The flow of information was not adequate, and I felt like I was made responsible even though I followed everything that was asked of me.

I have requested accommodation on two separate occasions. Human Resources is an excruciating body to deal with, and on both occasions, I had to get my union involved to be taken seriously. I understand that there are always people who take advantage of these supports, but to make everyone out to seem “guilty unless proven otherwise” for the sake of trimming the budget is an abhorrent abuse of power.

It happened but it was on me to advocate for it and ensure it got done, and to remind those that this was happening . . . It was a lot of work and energy. Didn't align with how the Board says they are open and willing to provide accommodation.

- **Requests for accommodation denied, delayed, or ignored:** A number of survey respondents reported that their requests for accommodation were denied. Some were offered alternative solutions that often did not address their accommodation need. Some reported that they have spent many years trying to receive the needed accommodation. A number of employees shared that receiving accommodation for mental health issues was particularly challenging. Some shared that they have contacted the person they report to or Human Resources to request accommodation and that they have not received a response. For some, the delay in or denial of accommodation has resulted in the worsening of their physical and/or mental health.

I have [an allergy] and have asked for my school to be scent free and still after [many years] it is not (with a doctor's note on file). Staff and parents on a daily basis are [triggering allergic reactions] with no repercussion. If I need to go home, I am made to use a sick day even when it is not my fault.

There were no accommodations to help my mental health diagnosis. In fact things have gotten worse and there is NO, ZERO actions I can get from my employer.

I had a medical note for a mental health issue and it was essentially denied by HR, they would not accept that work I may miss due to this issue, wouldn't be held against me (the 11-day attendance counseling). I was involved in an "attendance counselling" session and it was NOT supportive, the administrator was rude . . . It was a demeaning experience that left me feeling that the Board does not respect people with mental health concerns.

Mental health is totally NOT supported when seeking accommodations from the Board office. Horrible experience. I will NEVER request accommodation again and I mean ever. Every medical certificate I provided was verbally shredded and not followed through on. Even my doctor was disgusted.

- **Permanent accommodation forgotten:** A number of employees shared that despite having a permanent disability, their accommodation is not continued when they change positions or when school administrators change.
- **Information from doctor overridden or ignored:** Some employees shared that despite meeting the Board's request for additional documentation, the information from their doctors has been overridden or ignored, and they did not receive the needed accommodation.

I've been told that the medical form filled out by my doctor wasn't sufficient medical evidence to support needing an accommodation . . . I'm tired of paying for medical forms to be filled out but told they don't have sufficient evidence to support my needs.

6.4.b Creed/religious accommodation

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

The Workplace Equity and Inclusion Survey asked employees whether they understand that employees may request creed/religious accommodation and whether they think employees would hesitate to ask.

About 70% of each group replied that they understand that they can ask for creed/religious accommodation.

A good number of respondents reported positive experiences of requesting time off for creed/religious purposes and having it granted. For example:

I needed days off for religious holiday. It was granted.

Religious leave was granted for a holiday.

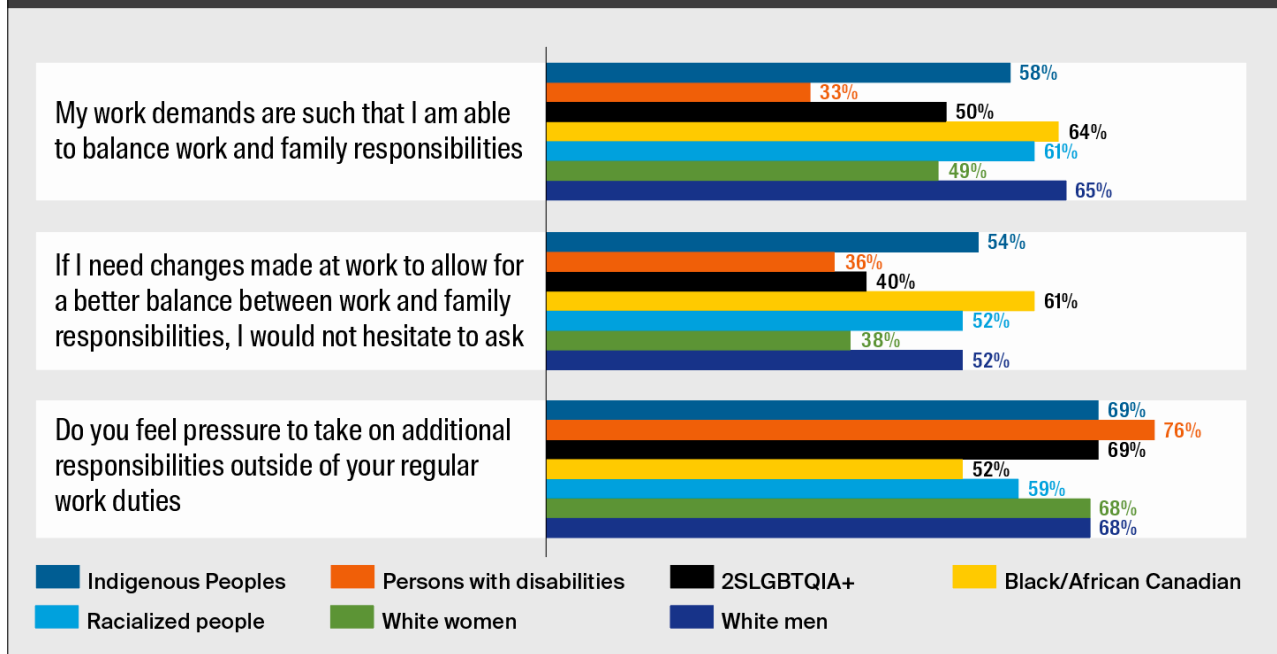
There were some employees who shared that they have experienced challenges receiving accommodation, with some sharing that their request for time off was denied or that they do not have access to prayer space at work.

6.4.c Work/life balance and accommodation of family responsibilities

Women continue to have primary responsibilities for child and elder care in Canada. As a result, women 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 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.

Graph 7. Work/Life Balance and Accommodation for Family Responsibilities.



Graph 7 shows employee responses to questions on the Workplace Equity and Inclusion Survey about work/life balance and accommodation for family responsibilities. As the graph shows, the majority of White men, Indigenous peoples, racialized people, and Black people reported that their work demands are such that they are able to balance work and family responsibilities. Only about half of 2SLGBTQIA+ employees and White women agreed with this statement, with only one-third of all employees with disabilities agreeing that they are able to balance work and family responsibilities.

Survey respondents also asked whether they would ask for changes at work to allow or a better balance between work and family responsibilities. Over half of Indigenous Peoples, Black/African Canadians, racialized people, and White men agreed that they would not hesitate to ask. For 2SLGBTQIA+ employees, persons with disabilities, and White women only 40% or fewer agreed with this statement.

While the majority of survey respondents agreed that they feel pressure to take on additional responsibilities outside of their regular work duties, persons with disabilities were the most likely to report feeling this way.

Throughout the focus groups and online survey, employees shared that their ability to balance their work and family responsibilities is very much dependent on their position, with teachers and school administrators being the most likely to comment on how their workload and work pressures have increased over the years. A significant number of survey respondents reported being stretched thin for time during their regular work days. In order to keep up with the demands of the classroom, they are left with little choice but to take work home and complete assignments or prep work

during their personal time. This has resulted in these employees having less time for family responsibilities and engagement or even time to attend to their own self-care and mental health.

Employees shared that in their experience, the teaching profession 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 of, and complexity of the needs of, students. The combination of these factors means that teachers and school administrators must work into the evening and on weekends, resulting in their need to take time away from family, sleep, and self-care in order to complete their work. Many also commented that the COVID-19 pandemic has made the situation worse, particularly for those who also have school-aged children.

The following themes were identified from employee comments on the online survey and in the focus groups:

- **Feeling well supported:** Despite the concerns expressed by many survey respondents, a number of respondents felt they were supported by the Board in maintaining work/life balance. They felt pleased by the level of support they were receiving and had no complaints in this regard.

I receive consistent check-ins about my well-being from Human Resources so I am happy with the continued support

I feel fortunate to have this career where there is great balance.

Depending on the administrator in the building, the response may vary. I've been fortunate to have had supportive administrators in my journey.

- **Accommodations to attend to family care responsibilities denied; limited ability to have work/life balance:** There were also many survey respondents who shared that they have experienced difficulties maintaining a good balance between their work and family responsibilities and in receiving accommodation to attend to family care responsibilities. Some shared their challenges of being working parents and struggling to attend to the needs of their children or to find childcare, particularly at the beginning of the COVID-19 pandemic.

The Board does not care about individual circumstances. I am a single mom who needs to take care of my children and their mental health. I am the only parent to take them to appts or sports tournaments. I am not allowed to take vacation time or unpaid days to take care of these things. I get 2 days to do these things. I have 4 additional days but am only allowed to use these if the Board thinks my reasons are appropriate. Why does someone else get to judge what is important to me or my family and our mental health?

During the pandemic both my [partner] and I were asked to work while simultaneously taking care of our small children. This unrealistic expectation put undue strain on the mental health of the whole family. Now, with the CUPE strike, my wife and I will be expected to report to work even though our [young children] will be at home with no one to take care of them. One of us is going to have to take a leave of absence.

Work life balance is NOT a priority in the GECDSD.

They don't care about our life outside of work or our own family obligations. This system is horrible for single parents with limited resources.

While many employees shared negative experiences of requesting and receiving accommodation, both with the person they report to and Human Resources, Human Resources described a well-developed program, with standard processes, that adhere to human rights requirements. They also describe going to great lengths to provide accommodation.

Human Resources staff shared that part of the accommodation process is that the employee needs to advocate for themselves to some extent with the person they report to and letting Human Resources know when they change positions so arrangements can be made to continue their accommodations.

Human Resources also shared that providing a doctor's note is not sufficient to decide what can or can't be offered for accommodations. They shared that clarification may be needed, which may leave the employee feeling that they are being questioned and that they are not trusted. They shared that mental health is particularly challenging to accommodate and that they often need more information, such as triggers, to help determine what type of accommodations can be provided.

There is a large gap between what employees share as their experiences and the information shared by Human Resources. This suggests that more needs to be done to ensure that Human Resources staff are treating employees respectfully and with care, recognizing that employees may be experiencing trauma. This also suggests that more information ought to be provided to employees to ensure that they fully understand the process, what drives accommodations, the type of information that Human Resources will request, and why that information is needed. There is also the need to ensure that managers and school administrators understand their duty to accommodate and the process to follow when an employee requests accommodation.

Recommendation 17: It is recommended that the Board revise all the processes and tools used in the accommodation process to ensure compliance with the Ontario *Human Rights Code* and that accommodation be provided according to the principles of accommodation.

Recommendation 18: It is recommended that the Board review the workload and processes of Wellness Officers (HRO-Wellness) to ensure that they have the capacity to respond to accommodation requests in a timely manner.

Recommendation 19: It is recommended that the Board establish timelines for responding to accommodation requests and that processes be put in place to track responses.

Recommendation 20: It is recommended that the Board conduct an annual survey of employees who have requested accommodation and participated in the Disability Management Program or the Return to Work Program to assess improvements needed in this area.

Recommendation 21: It is recommended that the Board provide appropriate training and ongoing education and communication for all managers and school administrators about their duty to accommodate employees based on any human rights protected ground, particularly disability, religion, and family responsibilities. This training should also help them 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.

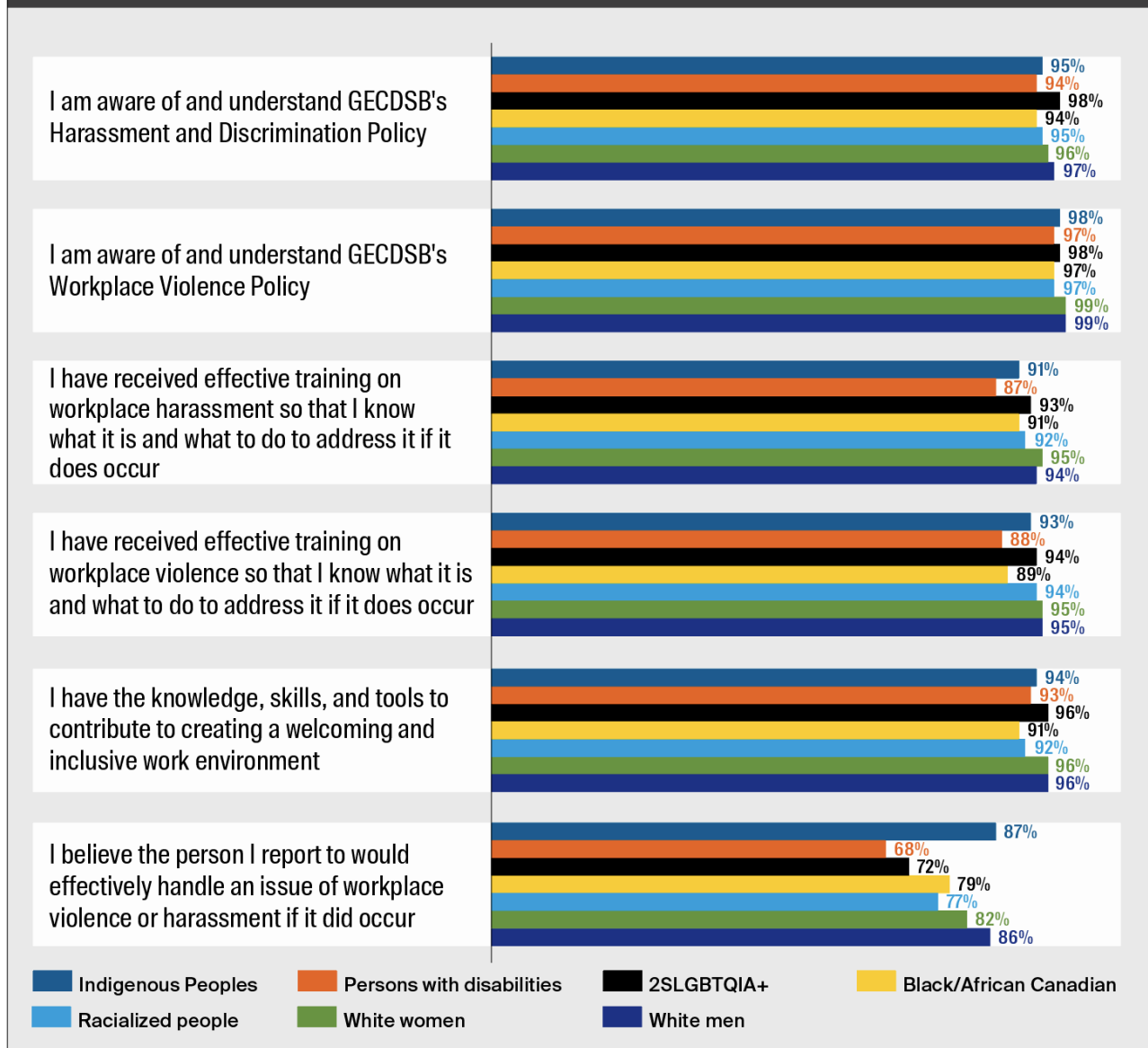
Recommendation 22: It is recommended that the Board educate all employees about their rights regarding workplace accommodation and the process of obtaining said accommodation. Emphasis should be placed on explaining the Board's legal obligations under the Ontario *Human Rights Code* as well as how accommodation helps get the best from employees so that accommodation is not seen as special treatment provided to some employees.

Recommendation 23: It is recommended that the Board include information about the accommodation process on its intranet site so that employees understand the process for accommodation, the need to provide medical information, and other relevant information.

6.5 Respectful work environment

The Workplace Equity and Inclusion Survey also asked employees to share their perspectives about harassment and discrimination in the workplace.

Graph 8. Awareness of Workplace Harassment and Discrimination Prevention Policies and Programs.

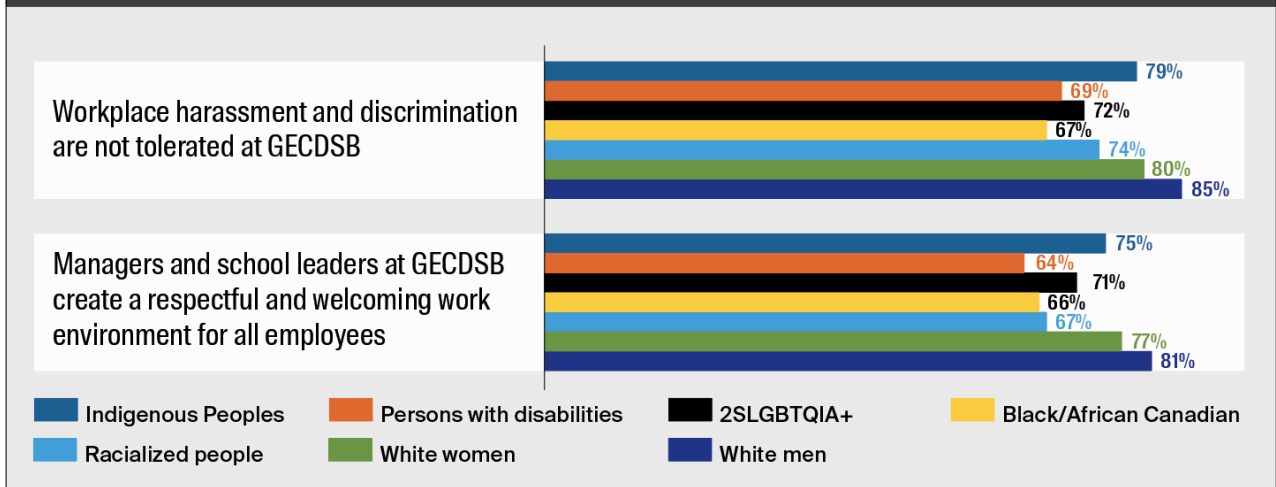


As Graph 8 shows, employees’ responses to the survey indicate that the GECDSD has done a good job of educating employees about its harassment, discrimination, and workplace violence prevention policies. The vast majority of all groups reported that they have received effective training on workplace harassment and violence prevention so that they know what it is and what to do to address it. The vast majority of all groups also reported that they have the knowledge, skills, and tools to contribute to creating a welcoming and inclusive work environment.

However, a smaller proportion of employees in all groups reported that they believe the person they report to would effectively handle an issue of workplace violence or harassment if it did occur.

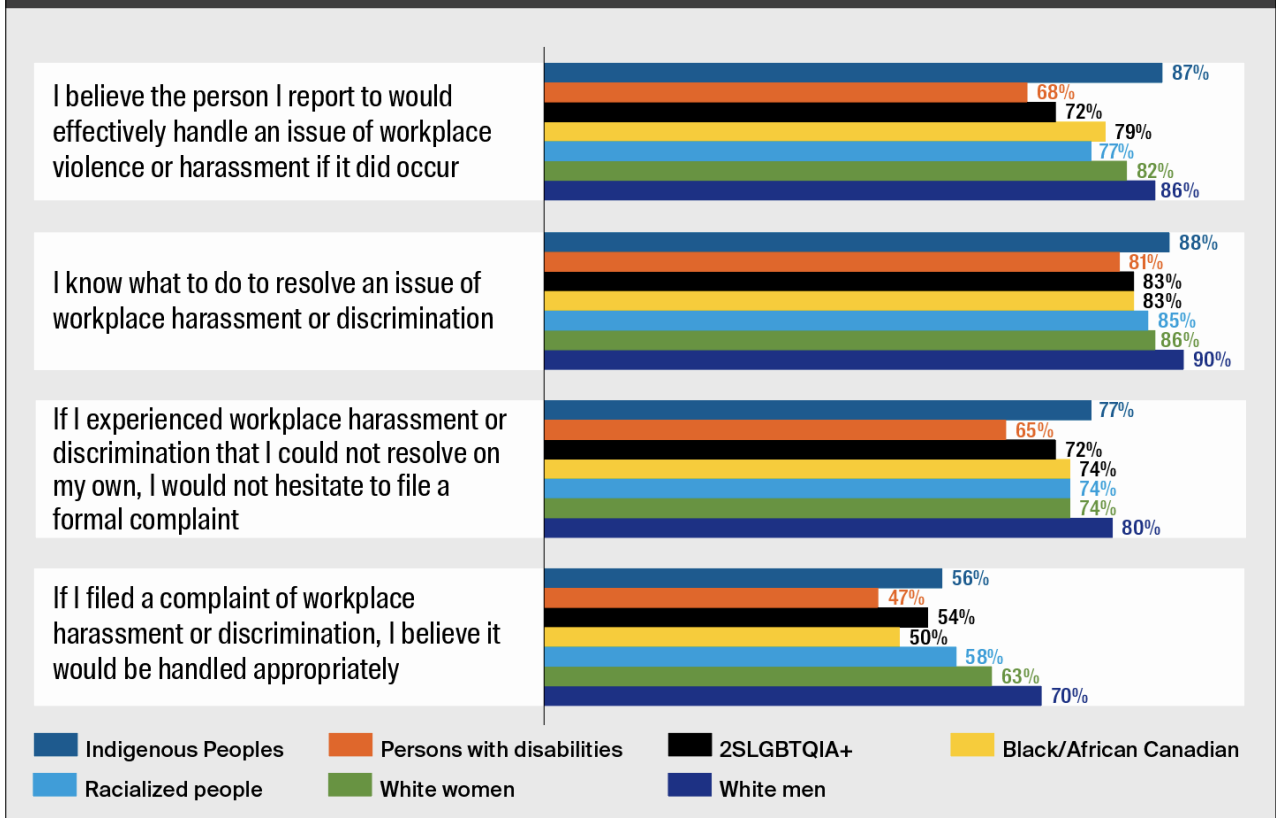
The survey also asked employees about whether workplace harassment and discrimination are tolerated at the Board.

Graph 9. Tolerance of Workplace Harassment and Discrimination.



As Graph 9 shows, White men, White women, and Indigenous peoples were more likely to report that workplace harassment and discrimination are not tolerated at the GECDSD and that managers and school administrators create a respectful and welcoming work environment for all employees. The other groups were slightly less likely to agree with these statements.

Graph 10. Resolution of Harassment and Discrimination.



The survey asked employees about the mechanisms for resolving issues of harassment and discrimination. As Graph 10 shows, the majority of survey respondents from each group agreed that the person they report to would effectively handle an issue of workplace violence or harassment, with persons with disabilities and 2SLGBTQIA+ employees being the least positive.

The vast majority of respondents agreed that they know what to do to resolve an issue of workplace harassment or discrimination, with fewer agreeing that they would make a complaint if they could not resolve the issue on their own.

However, a smaller proportion reported that they think their complaint of harassment would be handled appropriately, with 50% or fewer of persons with disabilities and Black employees agreeing with this statement.

Members of the Senior Leadership Team shared that the Board has implemented a new central reporting tool that would help ensure that issues were being addressed. They noted that at the beginning of the year, they were receiving 25 to 30 complaints daily from both students and staff. The number of complaints has since dropped to 4 to 6 per day. They believe that the hiring of the Human Rights and Equity Advisor along with the training that they have received has supported the Board's ability to appropriately respond to and investigate workplace violence and harassment when they do occur.

Many of those with whom we spoke through the focus groups shared their perception that, while they are aware of the policies and processes, they either do not feel comfortable raising issues of harassment and discrimination or they have had negative experiences after raising these issues in the past. Their concerns are grouped into the following themes:

- ***No experiences of discrimination or harassment:*** A significant number of survey respondents cited that they have not had any experiences of discrimination or harassment. They counted themselves as fortunate to have had only positive experiences and to be working in supportive work environments. As they shared:

Personally, as someone that has not been here long, but as someone who is part African Canadian, I have been fortunate enough to have not experienced any discrimination or harassment. Every person I have worked with has been very welcoming.

I have been very fortunate to work in a very welcoming, accepting and kind school community. I have never experienced harassment or discrimination of any kind.

I have NEVER experienced discrimination or harassment while working at the GECDSB.

I feel like the Board continues to evolve, and it is clear that the Board is clearly intolerant of discrimination and is very focused on promoting an inclusive, thoughtful work environment.

- **Fear of reprisal:** Survey respondents cited a common fear that they could face reprisals if they spoke up and reported harassment or discrimination. They cited the fear of losing one's job, the fear of disciplinary action, and the fear of other negative consequences associated with initiating an investigation. There was also a sense of apathy that, besides the negative consequences, nothing would be done to remedy the situation. Employees shared the following examples:

A couple of years back, I had a principal who was harassing me on a daily basis. It came to a point where I was throwing up before work and after. I could not sleep, could not handle my personal and work life. The expectations of work grew and so did my fear of going into work. When I expressed some of these emotions and happenings to HR, I was told that if I claim that this individual was harassing me and yet I was somehow found in the wrong, I could be fired. Even though I knew the truth of what was happening, I was scared of the possibility of losing my job because I had worked so hard to get to where I currently am. This is not okay. We should be encouraged and supported through these processes.

One specific incident I have encountered was another support staff outwardly making fun of another staff member who has [a disability]. I went to my admin as I felt it was very inappropriate and uncomfortable and the end result was me being told I didn't follow the correct steps and if it happened again I would face disciplinary action. This absolutely causes many people not to say anything or stand up for what is right. It is not my responsibility to inform a co-worker what is acceptable or not in a school setting. This should be on the admin and above.

If I was to report the discrimination I have experienced from my supervisor, I FOR A FACT KNOW it would come back to bite me somehow. I have heard of examples in the past of others it has happened to and from higher up sources. FACT!!!

There can be harassment within the staff and people often choose not to speak up [because they are] afraid it will make matters worse.

- **Administration needs to lead by example:** When it comes to creating an open and inclusive work environment, survey respondents shared that they expect leadership from senior administration. While there was appreciation for the demands placed on administrators, there was also an expectation that they set the tone for what is and is not acceptable behaviour. Respondents want

administrators to be held accountable for their actions and treatment of staff. As they commented:

Senior admin can set a better example.

Supervisors' main concern should be ensuring a welcome, safe, and inclusive environment. However, our administrator is almost always busy, flustered, or does not make the time to hear from teachers. "It's not a good time," "You're catching me at a bad time," a curt response, or a closed door is often what we are greeted with.

Administration should be monitored more closely and if there is more than one complaint about how they treat staff or if there is an obvious movement of staff once they are there at that school then there should be an investigation into the reason.

Administrators need to have an open-door policy and take the time to be visible in schools. I realize they are busy, but just their presence and a simple "good morning" go a long way at making staff feel welcome.

Modelling this behaviour starting at the top of the organization and working its way across employee groups.

The responses of women to the online survey were disaggregated to examine the experiences of Indigenous, Black, and racialized women. Some of these women reported that when they report harassment, they are less likely to be believed than their White counterparts. A number also shared that in predominantly female workplaces, they are excluded and isolated because of their race. Many also shared their perspective that the person they report to and the Board do not appropriately and thoroughly investigate complaints of harassment and that it is often safer to live with the harassment than make a complaint.

Survey respondents with leadership responsibilities were asked whether they feel they have the knowledge, tools, and resources to create a welcoming and inclusive workplace and to handle issues when they arise.

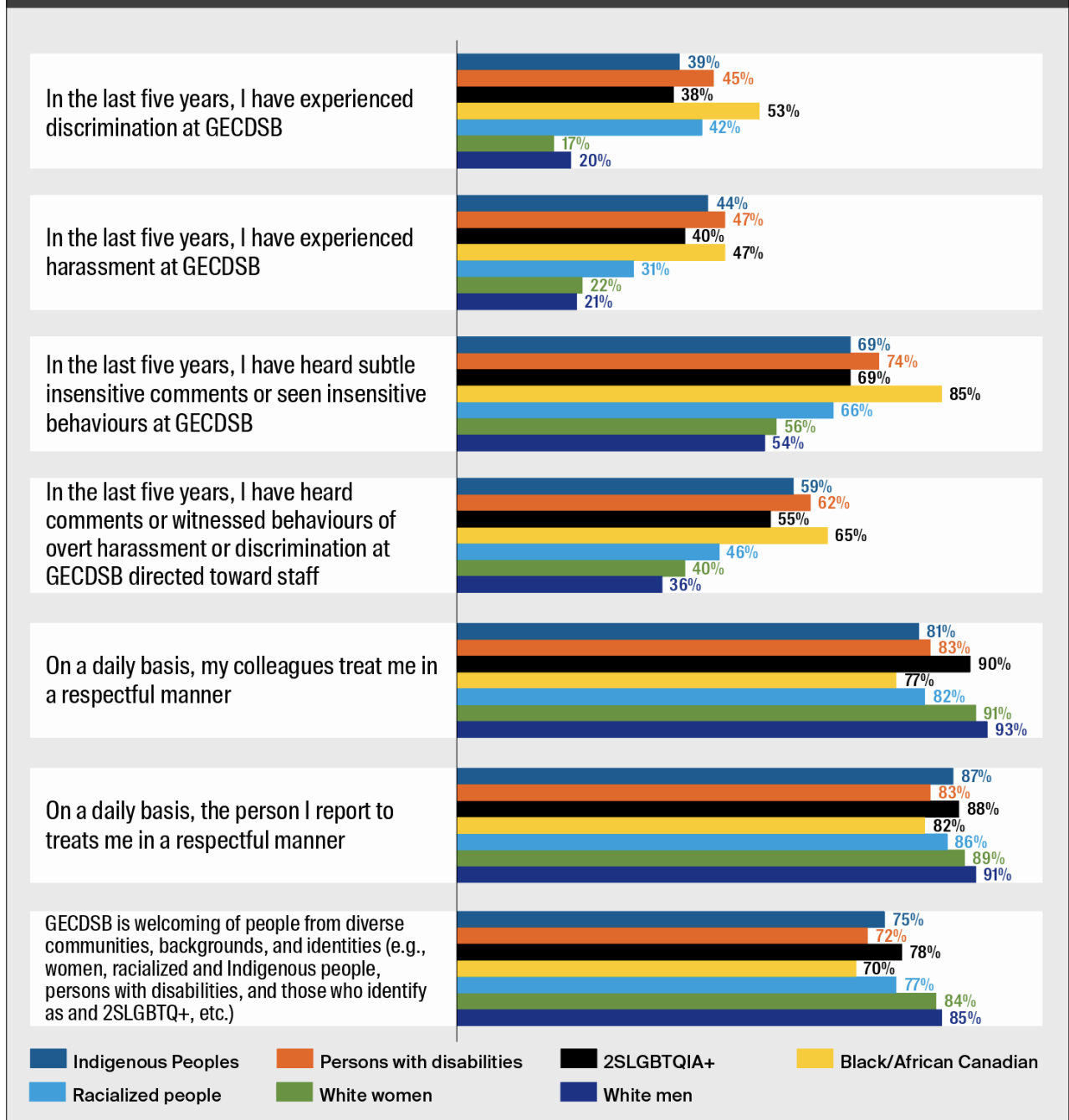


As Graph 11 shows, the majority of the 320 survey respondents who indicated that they have people leadership responsibilities reported that they have the knowledge, tools, and resources to effectively deal with workplace harassment and discrimination (85%), create a welcoming and inclusive workplace (92%), and creating an inclusive and equitable workplace (83%). The majority also shared that the person they report to supports them to create a welcoming and inclusive workplace (87%).

The responses highlight a gap between perceptions of employees and managers and supervisors themselves. Earlier Graph 10 showed that 70% of most groups (and only 52% of persons with disabilities) believed that the person they report to would appropriately handle a complaint of harassment or discrimination. By contrast 85% of managers and supervisors believe they have the knowledge, tools, and resources to effectively deal with workplace harassment and discrimination.

Survey respondents also asked about their experiences of harassment and discrimination in the last 5 years.

Graph 12. Experiences of Harassment and Discrimination.



As Graph 12 shows, a significant proportion of employees reported experiencing discrimination or harassment in the last 5 years: 39% (discrimination) and 44% (harassment) of Indigenous peoples, 42% and 31% of racialized people, 53% and 47% of Black people, 45% and 47% of persons with disabilities, and 38% and 40% of 2SLGBTQIA+ people. By contrast, 17% and 22% of White women and 20% and 21% of White men reported that they have experienced harassment or discrimination in the past 5 years.

The majority of Indigenous peoples, racialized people, Black people, persons with disabilities, and 2SLGBTQIA+ people reported that they have heard subtle insensitive comments or seen insensitive behaviours at the GECDSD in the last 5 years. By contrast, just over half of the White women (56%) and White men (54%) reported the same.

Survey respondents were also asked whether they have heard comments or witnessed behaviours of overt harassment or discrimination at the GECDSD directed toward staff. More than half of Indigenous peoples, Black people, persons with disabilities, and 2SLGBTQIA+ people reported that they have heard comments or witnessed overt acts of discrimination or harassment in the past 5 years. This was also the case for 46% of Black survey respondents. By contrast, only 40% of White women and 36% of White men reported the same.

Despite these incidents, the vast majority of all groups agreed that, on a daily basis, their colleagues and the person they report to treats them in a respectful manner. The majority also agreed that the GECDSD is welcoming to people from diverse communities, backgrounds, and identities.

Employees' experiences of harassment and discrimination were further explored through the open-ended survey questions and the focus groups. The analysis of their comments identified the following themes.

- ***Discrimination and harassment from superiors:*** Some survey respondents shared that they often faced discrimination or harassment from their supervisors. Administrators would use their positions of power to bully or mistreat staff. This put staff in a precarious situation, as they feared that reporting an issue might lead to reprisals against them. Furthermore, it was suggested that there is little accountability for supervisors because their behaviour is often excused or overlooked.

The worst harassment I have witnessed and been subjected to was done by supervisors. I think that there is no way that they are really held accountable by the way in which they treat their employees. I felt uncomfortable in reporting because I feared being targeted by my supervisors. This is an ongoing issue that I have seen and heard about from many colleagues. Nothing can be done or said about it because of intimidation and fear of only making a situation worse.

One of the discriminatory / harassment practices I see used often has nothing to do with race, but rather positions of power. I have seen this across the system in various buildings where the administrator takes on a power stance and can target specific staff members. Obviously, this is a minority of administrators, but it happens.

Situations of harassment from administration (i.e., principal) were not dealt with or ignored in the past and the person continued to be employed with known unacceptable behaviour that was ongoing.

- **Disrespect and harassment from colleagues:** Survey respondents shared that they experienced disrespectful and harassing behaviours from fellow employees. These instances made them feel uncomfortable and contributed to a hostile work environment. Some cited bullying incidents in which they were made to feel small, at times in front of other staff and students. For some employees the behaviours were based on Code-protected grounds, while others indicated that these behaviours were not based on Code-protected grounds.

Trying to do my job as an EA at the time, and an ECE speaking to me in a tone in front of staff and students that had made me feel belittled.

Staff members are not respectful to other workers. They talk negatively to other staff members.

I have seen colleagues treated with disrespect and the situation not handled at all the way it should have been handled.

I have seen harassment not because of gender, race or sexual orientation, but harassment based on differences of opinion, work ethic or personality traits. It creates a hostile work environment for others not experiencing the harassment.

- **Harassment from students:** Given that many employees spend a majority of their time interacting with students, it is not surprising that students were the source of some of the harassment reported by survey respondents. They shared that they had both witnessed and been the recipients of harassment from students. And in some cases, they felt that there was little that could be done to change things or that incidents were not handled appropriately.

I have been discriminated against and harassed by students, but nothing was done about it from a management level other than to sigh sympathetically. Senior admin suggested days off to let things “blow over.” This only exacerbated the harassment. I chose to rise above and treat those students with kindness anyway, and their words and actions lost their power.

I have had many experiences with ongoing harassment from students that was not considered important or valid.

There are students that mistreat teaching staff and educators very poorly, on purpose, just for sport, and there seems to be no way to put a stop to it.

- **Harassment from parents:** Survey respondents also reported that they have been harassed and threatened by parents. When concerns were brought forward by respondents, they felt their concerns were not adequately addressed. For example:

Parents harassment is increasing and demands they expect. Yelling at staff is becoming more common and is not addressed.

For me it is not co-workers, it is parents who yell, threaten and send threatening messages on a regular basis. I was not aware when I was hired by the GECDSD that this would be normal treatment.

Parent threatened me while [I was] teaching online, [I] asked for help, and nothing was really done, and the student remained in my class when they easily could have been moved to another class.

- **Impact of harassment and discrimination:** Throughout the consultations, employees shared the personal and professional impact of harassment and discrimination. Some shared that their careers have been stalled and that they have considered leaving the Board and their profession altogether. Some shared that they have been targeted for reporting harassment and are now labelled a “troublemaker.” They feel that reporting harassment or advocating for their right to a harassment-free workplace has been a career-limiting move. Many shared that the personal impact has contributing to deteriorating mental and physical health.

Through the online survey and focus groups, both Indigenous peoples and members of the equity-seeking groups as well as allies commented on their experiences at the GECDSD. Along with the issues shared throughout this report, the following is a summary of some of the key issues identified for each group.

Indigenous employees

- **Barriers to hiring and promotion:** Indigenous employees shared that they experience barriers to hiring and advancement, which they felt were in urgent need of remedying. They shared their concerns about what they perceive as opaque, biased hiring practices that have continued to disadvantage Indigenous applicants.

In some instances, staff have begun to see equity being included in job postings and in interview questions, but it is unclear how equity issues are weighted within the process. Staff also shared that it appeared as if very little thought is put into making interviews culturally safe, equitable, and accessible, and if it is understood that things that are viewed as strengths in some cultures are viewed as inappropriate in others, such as eye contact and “selling” oneself in an interview. Indigenous staff shared that they would love an opportunity to inform interview questions and to better understand hiring process in order to support more equitable hiring processes and built trust.

- **Lack of representation:** Indigenous employees shared their perspective that they are underrepresented in the GECDSD workforce. This leaves them isolated and without the support needed to succeed.

Indigenous staff spoke of a staff compliment that is not reflective of the community they serve. Staff reported they feel they have seen a minor uptick in staff from diverse backgrounds but there remains a large gap between the diversity of staff and the diversity of the student population. Indigenous staff were aware of only a few Indigenous teachers, with even worse Indigenous representation among leadership.

- ***Lack of accommodation for spiritual and cultural observance:*** Indigenous employees commented that there is a lack of understanding of Indigenous spirituality and a need to support the full diversity of cultures and religions within both GECD SB schools and workplaces. Many felt that the school calendar and celebrations are very Eurocentric and Christian, which often leaves Indigenous staff and students isolated and overlooked.
- ***Unwelcoming work environments and harassment:*** A number of Indigenous employees shared their experiences of working in unwelcoming work environments in which they experience harassment. They also shared their experiences of being triggered by some of the professional learning regarding Indigenous peoples, and the lack of consideration of their feelings and experiences when this type of learning is organized.

Staff identified that interpersonal and systemic racism is still present, although interpersonal racism tends to take on more subtler forms. Here, staff provided numerous examples including people making hurtful comments out of ignorance, choosing to stand idly by in instances where discrimination is taking place, ongoing resistance to ideas that advance Indigenous issues in the workplace, and continuing to prioritize the feelings of white people over the wellbeing of Indigenous communities.

Some Indigenous staff report that some schools are “great places” and have great people working in them. However, other Indigenous staff shared that working for Board was difficult, and the environment is not supportive. Indigenous employees shared that they experience offensive comments and are judged frequently. Staff spoke about a fear of being stereotyped, which prevented them from speaking up when they experience inappropriate behaviours.

Black/African Canadian employees

- ***Lack of diversity and resulting isolation:*** Black employees spoke about often being the only Black person in their workplace. They shared that they are not always welcomed and supported by their non-Black colleagues and don’t always have the support they need to be successful in their roles.
- ***Challenges getting hired:*** Throughout the consultations, Black employees shared that Black people are underrepresented at the GECD SB, largely owing

to the barriers in the hiring process. They shared their perception that Black job seekers must be overqualified and possess additional skill sets, such as fluency in multiple languages, to be hired at the GECDSD.

They also shared the challenge of having to navigate unconscious bias and conform to standards of whiteness, such as having particular hairstyles and dressing a certain way, in order to be hired at the GECDSD. In addition, a number commented that they know of Black teachers who were unable to secure employment at the GECDSD and have had to move out of the region in order to find work.

- **Barriers to advancement:** Black employees who participated in the focus groups identified a number of barriers to advancement.

They spoke of the challenges being one of the few Black employees in their schools and workplaces, and the isolation and lack of support that they experience. Black employees shared that their efforts are devalued, appropriated by others, or undermined, which prevents them from being considered for advancement opportunities. In some cases, Black/African employees have been told by colleagues “not to bother applying” for positions they knew they were amply qualified for, the inference being that others believe they are not qualified for these opportunities.

Many commented that favouritism is a strong factor in the advancement process at the GECDSD. Because Black employees are often isolated in the workplace, they are not given the opportunities to build the relationships with their administrators needed for advancement. Black employees indicated that they have observed their colleagues getting access to insider networks or receiving the support of family members, giving them an advantage in the hiring and promotion processes.

These and other factors have led to highly qualified Black candidates not applying for positions, seeking advancement opportunities with other school boards, or leaving their teaching careers altogether.

When they do seek advancement, Black employees shared that they have been passed over in favour of inexperienced White colleagues.

- **Feeling tokenized:** Black employees shared that they are often expected to represent and speak for all Black people. While they are hired into one role, they shared that they felt it was an added expectation placed on them to be a “Black representative” when they may not have the knowledge, skill, or desire to take on this additional responsibility.

In addition, some shared that their colleagues have been set up for failure by being given “glass cliff”²³ assignments that are considered very difficult while at the same time not being provided with the supports needed to be successful in that role.

- **Lack of knowledge and resistance to equity:** Despite all the barriers they experience, many Black employees shared that the Board’s equity efforts currently underway give the impression that Black employees have an advantage in the workplace. They shared that some colleagues have even commented that as Black employees, they have secured their positions because of their race rather than their knowledge, skills, and extensive experience.
- **Experiences of harassment and discrimination:** Black employees also shared experiencing many instances of microaggressions and open hostility in their work environments. Some described that while they have not experienced harassment, their work environments are “welcoming, but not inclusive.”

Some shared that they have also experienced reprisal and harassment for raising issues of anti-Black racism. Some shared that while the Board has recently instituted mandatory reporting for issues related to students, employees have also experienced reprisal when they have reported these incidents.

Some expressed frustration in school administrators’ reluctance or inability to provide a safe workplace. Several participants remarked that administrators lacked the knowledge and skills to disrupt harassment in the workplace and often ignored or minimized the experiences of Black employees.

- **Use of the N-word:** A number of Black employees shared their experiences of hearing the N-word being used in their work environment, including during professional development sessions, and the negative impact this has had on them. Some employees also shared that school administrators were present when the N-word was used and yet no action was taken.

Racialized people

- **Lack of diversity and resulting isolation:** Similar to what Black employees shared, racialized employees spoke about the sense of isolation and invisibility they experience being the only racialized at a worksite. Participants spoke about the perception that the Board’s current focus on equity seems performative, and that the underrepresentation of racialized employees at the GECDSD demonstrates a lack of commitment to diversity.

²³ Kagan, J. (2022, December 7). *Glass cliff: Definition, research, examples, vs. glass ceiling.* <https://www.investopedia.com/terms/g/glass-cliff.asp#:~:text=A%20glass%20cliff%20refers%20to,therefore%2C%20set%20up%20for%20failure>

- **Barriers to hiring and advancement:** Racialized participants highlighted a number of challenges to being hired at the GECDSD. Many shared that they feel they won't be considered for a role simply because they are racialized and that their names alone have eliminated them from competitions despite their being equally or overly qualified for a position. Some shared that they have been on the occasional teachers list for years and are unable to secure permanent employment at the GECDSD. In addition, they are not supported by school leaders and managers to advance the same way their White colleagues are.

Some racialized employees also shared that they have been asked in interviews about having "Windsor experience" rather than having relevant their education credentials or teaching experience. Some shared that their credentials and competence are constantly in question at GECDSD and that they have even been asked to verify basic information such as having a high school diploma.

Qualified racialized employees shared that they have applied repeatedly for some positions that were subsequently filled by less qualified White colleagues. As a result, they have taken lower-level positions in order to remain gainfully employed. They spoke about the culture of resistance among educators and in the community to hiring racialized teachers. They shared that they have been encouraged to seek opportunities elsewhere. Some shared their perception that when racialized people are hired, they do not remain long with the GECDSD because of the lack of an inclusive work environment and limit advancement opportunities.

They look at the name and if they see that it's not an English [name] that they are comfortable with, then they're just not going to bother.

I don't think they want to hire us. I think they only do because they have to appear a certain way to the outside world, and say that they're meeting these equity mandates, but they don't really want to hire us.

It's clearly obvious that they're trying to look for any excuse not to hire racialized people. Nowadays when we look at racism and discrimination in hiring, it's rarely very obvious and evident because when it is, we can call it out a lot of the times. It's more subtle and it's silent. It's behind the scenes and you wouldn't have any clue that it was an issue in the hiring process.

- **Daily microaggressions:** Racialized employees spoke about the daily microaggressions they experience and the impact these experiences have on their mental and physical health. These microaggressions include being repeatedly asked, "Where are you from?"; having their credentials and competence questioned; people making negative comments about their food or cultural and religious practices; and being called racial slurs.

- **Hostile work environment and harassment:** Racialized employees also shared that on a daily basis, they are required to fulfill their duties in hostile work environments where their right to be a Board employee is repeatedly questioned. For many of the employees with whom we spoke, this treatment is routine rather than an occasional occurrence, and is something that is not addressed by school administrators or those in leadership positions.

Employees shared that when professional learning is conducted on issues of equity, they experience the resistance or indifference of their colleagues to these issues, which creates unsafe spaces for them to learn. They welcomed the Board's efforts to create safe learning spaces for Indigenous, Black, and racialized employees.

They also shared that their regular experiences of harassment impacts their mental health and their desire to continue working at GECDSD. Some shared that the racism they experience comes not only from their colleagues and the person they report to, but also from parents and students.

- **Religious accommodation:** Racialized employees shared mixed results with regard to religious accommodation. In some cases, requests for religious accommodation were declined by managers and administrators, and those employees were obliged to use a vacation day if they wished to observe their holy days. Other requests for a holy day or prayer requests involved supportive administrators who were in turn not supported by Human Resources to provide the requested accommodation. Racialized employees also reported that, from their perspective, there has not been any education about non-Christian holy days to assist managers and administrators to provide the requested accommodation and meet their human rights obligations.

Persons with disabilities

For persons living with disabilities, much of the discussion focused on their experiences of gaining access to accommodation, ableist attitudes, and the poor treatment they experience when it becomes known that they have a disability. These are the primary reasons that people living with disabilities prefer not to request the needed accommodation. Many employees with disabilities also shared their experience that disclosing their need for accommodation would create the perception that they are unable to do their jobs effectively, thereby barring them from hiring or advancement opportunities. In addition to the concerns summarized in earlier sections of this report, these additional issues were raised.

- **Intimidation and reprisal:** Some employees with disabilities shared that they have experienced intimidation or reprisal, or that they fear potential reprisal, for requesting accommodation.

- **No access to permanent accommodations:** A number of employees shared that despite having a permanent disability or a long-term chronic health condition that requires permanent accommodation, they must present a new doctor's note to the Board each year to justify the need for accommodation. In some cases, we heard from employees with long-standing disabilities who spoke about management and others in senior leadership positions who continue to ignore their needs for technology support or the other assistive devices they require to be effective in their role and participate fully in the workplace.
- **Poor treatment of persons with disabilities:** Some employees also described an organizational culture that they describe as ableist. They shared that throughout the organization, including among system leaders, school leaders, and Human Resources there is little compassion for those living with disabilities. They shared that the resulting treatment of them, along with the lack of accommodation, contributes to the worsening of their condition.

Employees also shared that there are many buildings that are not properly retrofitted for staff and students with mobility issues to ensure a safe and accessible environment. These buildings lack features such as accessible doors, smooth pavement, sidewalk cut-outs, ramps, or adequate accessible parking. Additionally, some staff shared that they require other types of supports to be put in place in order to perform effectively in the workplace. Requests are often disregarded or not provided in a timely fashion to support the employee. Others shared feeling that they were treated differently once they became disabled or disclose their disability, including having their private information shared with their colleagues.

2SLGBTQIA+ employees

- **Unsafe to be out:** A number of 2SLGBTQIA+ employees shared that in many parts of the Board, it is unsafe to be open about their sexual orientation or gender identity. They spoke about the inconsistent experience across the Board, depending on which department or school building they are in. Some felt that because of the lack of safe spaces, the majority of 2SLGBTQIA+ employees remain closeted. Some shared their concern about the environment being created by school board trustees which fosters an unsafe work environment for them.
- **Limited advancement opportunities:** Focus group participants shared that being open about their identity limits their advancement opportunities.
- **Harassment from students:** 2SLGBTQIA+ employees shared their experiences of being harassed by students or parents and not receiving adequate support from the person they report to in dealing with the harassment.

- **Lack of accommodation based on gender:** Trans employees shared that they do not have access to gender-inclusive washrooms. While there was some recognition that older schools pose a challenge in terms of retrofitting, some felt that the focus was on ensuring that these washrooms are available to students and that there is a lack of consideration of the needs of staff.
- **Complaints ignored:** 2SLGBTQIA+ employees shared their experience of having their complaints regarding trans and queer phobia, physical threats, and acts of aggression such as flag burning, being either ignored or inadequately addressed. There were also those who shared that they were reluctant to pursue a complaint for fear that it would make the work environment less safe for them.
- **Lack of support from the union:** 2SLGBTQIA+ employees shared that they have gone to their union about their experiences, but that they have not always received the needed support.

Women

Women, who are also Indigenous, racialized, 2SLGBTQIA+, and have a disability shared issues related to those identities which are captured earlier in this section.

All women shared experiences of gender-based discrimination and sexual harassment. They expressed their concern that these issues are not addressed and therefore are permitted to remain entrenched within the organizational culture.

- **Barriers to advancement:** Women spoke about the prevalence of “the old boys’ club,” with male teachers supporting one another to advance. They shared the perception that favouritism was evident in the form of female employees being blocked or bullied from advancement by administrators.
- **Sex discrimination:** Women also shared that they experience discrimination based on pregnancy or the perception that they may become pregnant. They also shared that their input, experiences, and concerns have been devalued.
- **Sexual harassment:** Women shared that they have experienced sexual harassment, and that when they have raised the issue with the person they report to, their concerns were not addressed. Some shared that sexual harassment was so prevalent that it is “basically part of the job.” One woman shared that at a particular school, male staff use a room as their own meeting space, which women are not permitted to enter. A few women reported being sexually assaulted and experiencing sexual harassment.

When asked whether they would pursue a complaint for these incidents, most women felt it was futile to do so and expressed feelings of hopelessness against a large organization and the “old boys’ club.” Many also shared that

they lacked confidence in their union to champion or support their complaints. These employees held the perception that union representatives are in alignment with management rather than neutral, or are not supportive of employees. Some also noted that because of the “old boys’ club” and the personal relationships among many at the Board, their complaints were dismissed by the person they went to. They shared that the person would use their personal knowledge of the harasser to suggest that the person “wouldn’t have don’t that” or “was joking,” thereby protecting the harasser and allowing the inappropriate behaviours to continue.

Many expressed their reluctance to speak out and their fear around being “blacklisted” by their supervisors for advocating for themselves and having that experience follow them throughout their career at the Board. They shared that there are a number of ways to be punished if you advocate for yourself at the GECD SB.

Recommendation 24: It is recommended that all people leaders receive in-person mandatory human rights training on an annual basis to ensure that they are able to lead and foster a work environment that values and is inclusive toward Indigenous peoples and members of the equity-seeking groups. This training should help school and system leaders develop the competence and confidence to identify and address inappropriate behaviours when they do occur. This training should also remind people leaders of their legal obligations 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 25: It is recommended that all employees receive training on racism and other forms of oppression, the Board’s legal obligations to create harassment- and discrimination-free workplaces, and managers’ obligations to act when they know about or ought to be aware of racism in the workplace.

Recommendation 26: It is recommended that the Board develop a parent code of conduct to ensure that interactions with staff remain respectful. This code of conduct could include examples of harassment and ensure that parents know that the Board will not tolerate racism, sexism, and other forms of oppression directed at employees.

Recommendation 27: It is recommended that the Board allocate appropriate resources to investigate and address complaints of inappropriate behaviours under both the Ontario *Human Rights Code* and the *Occupational Health and Safety Act*.

Recommendation 28: It is recommended that the Board establish and provide ongoing support to affinity groups/employee resource groups to create safe and inclusive spaces for Indigenous employees and those from the equity-seeking groups for networking and support. Furthermore, 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 29: It is recommended that the Board work with its EFAP provider to ensure that staff who are Indigenous and from the equity-seeking groups are able to access culturally appropriate counselling and other resources and supports.

Recommendation 30: It is recommended that the Board continue to offer safe spaces for Indigenous, Black, and racialized teachers when Board-wide equity-related professional learning is offered.

Recommendation 31: It is recommended that the Board ensure that it creates inclusive, anti-racist, and safe workplaces that allow 2SLGBTQIA+, Indigenous, and racialized employees to bring their full selves to work. This should include visual displays of positive spaces as well as training for managers and school administrators about their roles and responsibilities to create inclusive and welcoming spaces for all employees.

Recommendation 32: It is recommended that the Human Resources Department compile the data gathered from exit interviews, by identity group, and report annually on this feedback to identify trends and issues that are impacting employee retention.

Recommendation 33: It is recommended that the Human Resources Department compile human rights complaint data annually (by ground and disposition) and report annually on this data to identify trends and issues regarding workplace harassment and discrimination.

Recommendation 34: It is recommended that a Workplace Equity Manager be hired to work with Human Resources staff to implement the recommendations from this Employment Systems Review in order to foster an equitable, diverse, and inclusive organization.

Recommendation 35: It is recommended that appropriate financial and human resources be allocated to implement the Employment Equity Plan and lead the Board's employment equity efforts.

Recommendation 36: It is recommended that the Board conduct another Staff Census and Employment Systems Review in 5 years to assess progress and develop a new Employment Equity Plan.

7. Policy and Procedure Review

This section summarizes the review of the GECDSD's human resources policies, procedures, and other relevant documents. We include a summary of each document, identify areas of strength, and then identify any issues and areas of concern. Recommendations are then made to strengthen the policy or procedure so that it complies with equity-related legislation, meets the organization's duty of care as an employer, and supports workplace equity, diversity, and inclusion. At the end of this section, any gaps in the Board's policy framework are identified and recommendations made to fill these gaps.

The full list of documents reviewed is included in [Appendix A](#).

Guiding Documents

Strategic Plan

The Board's strategic plan specifies the following vision, mission, and strategic priorities:

Vision: Building tomorrow together

Mission: Leading excellence in public education by creating confident learners, engaging diverse communities, and demonstrating ethical stewardship

Strategic Priorities:

Student success and well-being:

- Creating confident learners through personalized learning, supportive environments, and trusting relationships.
- Engaging communities through equitable and reflective practices that respect and honour our diversity.
- Demonstrating ethical stewardship through thoughtful and intentional use of financial, human, environmental, and community resources.

Given the challenges exposed and compounded by the COVID-19 pandemic, the increasing gap between the diversity of staff and the student population, and the commitments made through the Dismantling Anti-Black Racism Strategy, the GECDSD will need to pay closer attention to its greatest resource—its employees. Identifying employees as a strategic priority would help ensure that sufficient attention is paid to ensuring not only that the GECDSD has a fully staffed and capable workforce, but also that it reflects the diversity of the student population and is adequately supported to give its best to students.

Recommendation 37: It is recommended that the next strategic plan identify employees as a strategic priority and that employment equity be identified as a way to ensure that staff reflect the diversity of the student population and that staff are

adequately supported to give their best to their students through the establishment of equitable human resources policies and practices, the provision of accommodation based on any Code-protected ground, the creation of welcoming and inclusive workplaces, and the appropriate management of workplace issues when they do occur.

Equity and Inclusive Education Policy and Regulation

Through this policy, the GECDSD “embraces the rich diversity of its students, staff, and communities and commits itself to equitable access, treatment, and outcomes for all.” It commits the Board to upholding the Ontario *Human Rights Code* and the Truth and Reconciliation Commission’s Calls to Action. It also commits the Board to complying with Ontario’s *Equity and Inclusive Education Strategy (2009)*. The policy recognizes that greater equity means greater student success.

The policy lists the grounds on which discrimination is prohibited by the Ontario *Human Rights Code*, and includes “indigenous” and “intersecting” which are not specifically named as Code-protected grounds. The policy also includes definitions of diversity, equity, and inclusive education.

The policy commits the Board to:

- Developing and maintaining policies, guidelines, programs, and practices designed to identify and eliminate discriminatory barriers in the working environment
- Achieving a workforce that is reflective of the composition of the communities it serves
- Conducting an ESR to identify and eliminate any discriminatory bias or barriers in Board policies, programs, and practices to fulfill the requirements of existing regulations, the Strategy, PPM 199, and the Code
- Establishing mechanisms to evaluate and measure its progress toward achieving its Equity and Inclusive Education Policy goals.

While this regulation was last updated in 2017, the Board has not developed an action plan to meet the commitments made in the policy or regulations, nor has it established mechanisms to evaluate and measure its progress toward achieving these goals. In addition, the Staff Census to assess the diversity of employees and this ESR were both conducted in 2022, 5 years after the last revision of the policy and regulation.

The policy could be strengthened by:

- Including an accurate list of the Code-protected grounds
- Including a definition of employment equity and identifying the groups that have been designated for employment equity
- Referencing a commitment to implementing Ontario’s *Education Equity Action Plan (2017)*

- Requiring the development of a 5-year Employment Equity Action Plan to address the issues identified through the Staff Census and ESR
- Requiring that a Staff Census and ESR be conducted every 5 years to assess progress and identify actions needed to achieve equity in employment and the actions to be included in the next iteration of the Employment Equity Action Plan.

The regulation further commits the Board to:

- Implementing programs that allow students and staff to realize their full potential
- Developing procedures that support equitable representation of diversity at all levels of the school system and ensuring that staff have equitable access to available supports for their professional development needs
- Advertising vacancies widely, both internally and externally, to diverse groups within the community
- Providing training for school leaders and hiring managers to facilitate equitable recruitment and hiring practices to reflect Ontario's diverse society
- Providing religious accommodation for students and staff
- Maintaining an environment respectful of human rights in which employees are free from all forms of harassment and discrimination by developing, implementing, and monitoring policy guidelines and a clearly delineated process for preventing, reporting, and responding to harassment and discrimination
- Developing and implementing staff development programs based on identified Equity and Inclusive Education needs
- Assessing and monitoring its progress in implementing the Equity and Inclusive Education Policy.

The regulation could be strengthened by:

- Committing the Board to undertaking remedial action to address historical disadvantage and close gaps in representation for the employment equity-designated groups
- Specifying an accountability framework, including the frequency of reporting on the implementation of the Equity and Inclusive Education Policy.

Recommendation 38: It is recommended that the Equity and Inclusive Education Policy and Regulation be revised to:

- Include an accurate list of the Code-protected grounds
- Include a definition of employment equity and identify the groups that have been designated for employment equity

- Reference a commitment to implementing Ontario's *Education Equity Action Plan (2017)*
- Require the development of a 5-year Employment Equity Action Plan to address the issues identified through the Staff Census and ESR
- Require that a Staff Census and ESR be conducted every 5 years to assess progress and identify actions needed to achieve equity in employment and the actions to be included in the next iteration of the Employment Equity Action Plan
- Commit the Board to undertaking remedial action to address historical disadvantage and close gaps in representation for the employment equity-designated groups
- Specify an accountability framework, including the frequency of reporting on the implementation of the Equity and Inclusive Education Policy.

Employee Standards of Conduct Policy and Regulation

This policy recognizes that employees are expected to be role models for students and representatives of the school system within the community. It outlines the basic principles of honesty, integrity, impartiality, confidentiality, and common sense that staff have a responsibility to uphold with respect to their role with the Board.

The regulation provides additional information pertaining to confidential or personal information, personal conduct, dispute resolution, diversity and harassment, and intranet and internet use. It also addresses breaches of the policy, stating that appropriate action will be taken, up to and including discharge.

The policy and regulations could be strengthened by:

- Identifying how and by whom breaches of the Employee Standards of Conduct Policy will be investigated
- Requiring the collection and analysis of data on the types of breaches in order to identify additional education that may be needed as well as any systemic issues that ought to be addressed.

Recommendation 39: It is recommended that the GECD SB update its Employee Standard of Conduct Policy and Regulation by identifying how and by whom breaches will be investigated and by specifying the responsibility of the Board to collect and analyze data on the types of breaches, which would identify additional education that may be needed as well as any systemic issues that ought to be addressed.

Employee Conflict of Interest Policy, Regulation, and Administrative Procedure

The stated purpose of this policy is “to establish parameters and guidelines for employees regarding potential or actual conflict of interest situations.” It places the onus

on employees to avoid situations of actual, potential, or perceived conflicts of interest.

The regulation:

- Defines employee, conflict of interest (financial and in hiring, promotion, and supervision), and family member
- Specifies that disciplinary action up to and including discharge will be taken when an employee is found to have violated the policy
- Specifies employee responsibilities to avoid potential conflicts of interest and to report any real or perceived conflicts of interest
- Specifies Board responsibilities for overseeing compliance with the policy and supporting its implementation.

The regulation also addresses the employment of family members, and states that family members should not report directly to another family member.

While the policy provides a good foundation for addressing conflicts of interest, it could be strengthened by:

- Stating that an employee should not participate in, give preferential treatment to, or influence the outcome or decision of the hiring process where one of their relatives or personal contacts is an applicant or candidate in the competitive process
- Extending conflicts of interest to apply to situations that benefit not only family members but also those with whom one has a close personal relationship or business relationships
- Stating that those who report conflicts of interest will be protected from reprisal or threats of reprisal
- Specifying that false reporting is a violation of the policy, and
- Stating that the Board will monitor the implementation of the policy through the collection and analysis of data on the types of complaints and disclosures of conflict, which would identify additional education that may be needed as well as any systemic issues that ought to be addressed.

Recommendation 40: It is recommended that the Employee Conflict of Interest Policy, Regulations, and Administrative Procedure be updated to expand the definition of personal benefit, provide examples of conflicts of interest, and state that the Board will annually summarize and analyze data on complaints and disclosures of conflicts to inform necessary changes to the policy and to the education of employees.

Wellness, Accommodation, and Accessibility

Mental Health and Well-being

The GECDSD provides a number of resources to employees to support their mental health and well-being. This includes supports offered through the Joint Employee Assistance Program (JEAP) for some employee groups and LifeWorks for other employee groups. While LifeWorks is a third-party service provider, the JEAP coordinator is a Board employee. Although confidentiality is guaranteed, employees may not access these services in the same way they would if the services were offered through a third-party service provider. Some noted that there have been issues with employees receiving service from LifeWorks, but that these issues have largely been resolved.

There is also information and resources on the Board's intranet site. However, the focus of this information is on student mental health and well-being. The information shared for this review focused on the well-being of students and their families and did not offer the same resources and supports to Board employees.

Recommendation 41: It is recommended that the GECDSD survey its employees to understand whether offering the JEAP through a Board employee creates any barriers to accessing these services.

Recommendation 42: It is recommended that the wellness information offered on the Board website place an equal focus on the well-being of Board employees.

Accessibility for Ontarians with Disabilities Act (AODA) Customer Service Standard Policy and Regulation

This policy commits the GECDSD to providing equal access and participation for students, parents/guardians, the public, and staff that is free of barriers and biases. It states that it is committed to giving people with disabilities the same opportunity of access.

The regulation provides definitions of a range of terms (e.g., accessible formats, accommodation, assistive device). However, it does not specify the Board's commitment to meeting the accessibility needs of persons with disabilities with respect to information and communication, employment, and student transportation.

No administrative procedures have been developed to support the implementation of this policy.

Recommendation 43: It is recommended that the *Accessibility for Ontarians with Disabilities Act (AODA) Customer Service Standard Policy and Regulation* be updated to specify the Board's commitment to meeting the accessibility needs of persons with disabilities with respect to information and communication, employment, and student transportation.

Recommendation 44: It is recommended that administrative procedures be developed to support the implementation of the *Accessibility for Ontarians with Disabilities Act (AODA) Customer Service Standard Policy and Regulation*.

Attendance Support Administrative Procedure

The GECDSB's Attendance Support program aims to assist and provide support to employees to help them maintain regular and reliable attendance at work. It states that "Should a disability be identified that requires support or accommodation at any time during the process, the School Board will support the employee through the Disability Management Program while continuing to ensure that attendance is consistent and reliable in accordance with the provided medical restrictions and limitations."

While the procedure defines innocent (nonculpable) absenteeism as those related to absences due to illness or injury that arise as a result of circumstances beyond the employee's control, it does not include other types of disabilities that are not due to illness or injury, or other circumstances related to other Code-protected grounds, such as family care responsibilities, which may impact attendance.

The procedure:

- Defines absenteeism, including absences that are nonculpable absences included in the Attendance Support Program (e.g., personal illness, personal injury) and nonculpable absences not included in the Attendance Support Program (e.g., approved medical leaves, vacation, bereavement leave)
- Defines the B.A.R. as the established number of days absent to possibly trigger entry into the Attendance Support Program, which will be reviewed every 3 years in consultation with the bargaining unit representatives
- Defines the role of the bargaining unit representative when a member is entered into the employee Attendance Support Program
- Defines the components of the Attendance Support Program: Preliminary Notification Letter; Coaching Level 1; Coaching Level 2; and Coaching Level 3
- Specifies employee responsibilities to maintain regular attendance and, if necessary, participate actively in all levels of the Attendance Support Program
- Specifies principal/supervisor responsibilities, including communicating attendance expectations to all employees, review absence reports for staff, work with Human Resources Officer (HRO)-Wellness to identify absenteeism trends or patterns, and support employees
- Specifies the responsibilities of the HRO-Wellness to serve as a resource to both employees and principals/supervisors, advise employees of available resources, and facilitate the meetings in Coaching Levels 1 and 2, and
- Specifies the responsibilities of the Coordinator/Superintendent of Human Resources, including to provide support and act as a resource throughout all

aspects of the Attendance Support Program and, along with the HRO-Wellness, principals, and supervisors, review the cases of employees who have not met attendance goals following the completion of Coaching Level 3.

The procedure does not state the Board's legal obligation to provide accommodation based on any Code-protected ground, short of undue hardship, to support employees' ability to maintain regular and prompt attendance.

Recommendation 45: It is recommended that the Attendance Support Administrative Procedure expand the definition of innocent absences to include those related to disabilities and other Code-protected grounds, and that it specify the Board's legal obligations under the Ontario *Human Rights Code* and the AODA to provide accommodation, short of undue hardship, to support employees to regularly attend work.

Disability Management Administrative Procedures

This procedure describes the Board's Disability Management Program, which serves to support employees to attend work by fostering an understanding that early intervention and support is the best way to reduce the incidence and duration of an employee's absences.

The program's stated purpose is to provide:

... employees with a safe and timely transition from illness/injury that allows them to remain at work or return to work based on all relevant information included in the Medical Certificate provided by the employee, as required.

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 program allows for modifications to the type of work and workplace, short of undue hardship, for those with both temporary and permanent partial disabilities.

For those with permanent partial disabilities, the procedure:

- Commits the Board to promoting the retraining of employees as circumstances warrant
- Gives the employee preference for suitable job postings, subject to mutual agreement by the employment and the relevant union(s)
- Specifies the responsibilities of the HRO-Wellness, principal or immediate supervisor, employee, and union, and
- Supports the development of an Individualized Remain at Work Plan or Return to Work Plan.

This policy could be strengthened by:

- Stating the Board's obligation to provide accommodation to employees with disabilities short of undue hardship, per the Ontario Human Rights Code and the AODA
- Stating how the Individualized Plan for the employee will be developed when employee transfers are considered and how the Individualized Plan will be communicated to an employee's new principal or supervisor, and
- Specifying how and how often the program will be reviewed.

This policy should also state that the Ontario Human Rights Tribunal considers organizations to be one employer, regardless of the existence of multiple bargaining units. Once an employer has concluded that it is not possible to accommodate an employee within their own bargaining unit, the employer must consider accommodations in other bargaining units and, under certain circumstances, contract positions. This may require flexibility on the part of unions, which may include waiving certain provisions, such as a posting requirement or seniority provision, in order to accommodate someone who requires accommodation. For example:²⁴

- In *Dominion Color Corp (1999) OLAA #656 (Ellis)*, it was held that the duty to accommodate extends outside the bargaining unit; whether it is an undue hardship on the employer to do so is a question of fact.
- In *Queens Regional Authority (1999) 78 LAC (4th) 269*, it was held that an employer could accommodate a worker permanently outside the bargaining unit.
- In *Hamilton Police Association v. Hamilton Police Services (2004) 76 CLAS 5 (QL)*, it was held that the Employer Police Board was entitled to accommodate disabled police officers in civilian bargaining unit positions.
- In *Kelowna (City) v. CUPE L. 338 (2003) BCCAA #72 (QL) (Lanyon)*, it was held that the duty to accommodate may require an employer to place someone outside of the bargaining unit.

In addition, this policy deals specifically with employees who have an illness or injury. It does not address the obligations of the Board to provide accommodation to employees with other types of disabilities that are not due to illness or injury.

Recommendation 46: It is recommended that the Disability Management Administrative Procedures be revised by:

- Stating the Board's obligation to provide accommodation to employees with disabilities short of undue hardship, per the Ontario *Human Rights Code* and the AODA

²⁴ Learning Disabilities Association of New Brunswick. (n.d.). *The scope of the duty to accommodate*. <https://www.ldanb-taanb.ca/duty-to-accommodate-2/the-scope-of-the-duty-to-accommodate/>

- Specifying the Board's obligations to accommodate employees across bargaining units when necessary
- Specifying how employees' Individualized Plans will be developed when employee transfers are considered and how Individualized Plans will be communicated to an employee's new principal or supervisor
- Specifying how and how often the program will be reviewed, including the collection of information from Human Resources staff as well as employees who have participated in the program, and
- Expanding the policy to also apply to employees with disabilities that have not resulted from illness or injury.

Confidentiality of Medical Records Administrative Procedure

This procedure protects the confidentiality of employee medical records received by the Human Resources Department. It requires that medical records, whether active or in storage, not be maintained in the employee's personnel file. It states that no information from an employee's medical record will be given to a third party without the employee's written consent, unless required by law. Employees also have access to the information contained in the medical records.

No issues were found with this policy.

Staff Preparation for Return from Long-Term Leave of Absence Administrative Procedure

This procedure applies to all GECDSD staff returning from leaves of absences of 6 months or longer. It specifies the responsibilities of the worker upon returning from a leave of absence.

The GECDSD ought to develop a more detailed Return to Work Handbook that addresses:

- The need to work with each employee to assess restrictions and/or limitations, and the need to ensure that accommodation is provided per the Ontario *Human Rights Code* and AODA
- The need for medical documentation and the Board's responsibility to cover the cost of any additional documentation
- The need to inform the employee's supervisor of the work restrictions and/or limitations
- The role of HRO-Wellness to coordinate the return to work process and arrange for accommodations, assistive devices, and alternative suitable work
- Maintaining regular contact with the employee to determine their readiness to return to work and discuss a Return to Work Plan.

Recommendation 47: It is recommended that a Return to Work Handbook be developed to address the responsibilities of employees, supervisors, and Human Resources in the return to work process, along with the Board’s legal obligations to provide accommodation short of undue hardship.

Multi-Year Accessibility Plan (Draft 2022-2026)

As required by the AODA, the GECDSD is required to establish, implement, maintain, and document a multi-year accessibility plan that describes the strategy to prevent and remove barriers and enhance accessibility for individuals who work, learn, and participate in the school community and environment.

The Accessibility Planning Committee provides input and responses to identified accessibility issues. It consists of senior leaders and staff responsible for special education, business services, technology, facilities, communications, human resources, and human rights and equity.

The plan describes ongoing work that supports an accessible workplace for GECDSD employees, including:

- Informing job applicants of the availability of accommodations based on their individual needs
- Staff accommodations that are developed in accordance with the Ontario Human Rights Commission’s policy and guidelines on Disability and the Duty to Accommodate.

Staff are able to identify concerns through the accessibility reporting process, which are reviewed by the Accessibility Planning Committee.

The plan could better consider the needs of employees by:

- Providing training to all principals, managers, and Supervisory Officers about the duty to accommodate staff
- Allowing for consultations with employees when the plan is reviewed and updated every 5 years
- Ensuring that processes are in place to notify staff when there are temporary barriers to buildings, spaces, or services, and
- Creating a culture that supports the mental health and well-being of employees.

Recommendation 48: It is recommended that the Multi-Year Accessibility Plan be revised to:

- Provide training to all principals, managers, and Supervisory Officers about the duty to accommodate staff

- Allow for consultations with employees when the plan is reviewed and updated every 5 years
- Ensure that processes are in place to notify staff when there are temporary barriers to buildings, spaces, or services, and
- Create a culture that supports the mental health and well-being of employees.

Equitable and Respectful Workplace

Supporting Gender Equity and Inclusion Administrative Procedure

This procedure addresses the need to create safe and inclusive learning environments that are inclusive toward all students, including those of any sex, sexual orientation, gender identity, and gender expression. The procedure:

- Provides definitions of various terms, including biological sex, gender, cisgender, trans, and Two-Spirit
- Describes the barriers faced by trans students
- Identifies what GECDSD schools can do to support trans students and their parents
- Addresses the need for curriculum integration of gender equity and inclusion, and
- Provides guidelines for gender equity inclusion.

While these procedures provide staff with a good foundation for supporting gender equity and inclusion of GECDSD students, the Board does not have a similar procedure to support the gender equity and inclusion of employees.

Recommendation 49: It is recommended that the GECDSD develop an administrative procedure to support gender equity and inclusion of staff in its workplaces.

Health and Safety, Workplace Violence, and Workplace Harassment Policy and Regulation

This policy is designed to support a safe and healthy working environment for all GECDSD employees.

The policy states that under the *Occupational Health and Safety Act*, the Board is responsible for establishing, maintaining, and enforcing its Health and Safety Policy and Management Programs. However, it does not state that the Board has additional responsibilities under the Ontario *Human Rights Code* to foster welcoming and inclusive work environments and to address Code-related harassment and discrimination when they do occur.

The regulation addresses the following:

- The need for the Board to protect employees, students, visitors, and contractors from accidents, injuries, and occupational illnesses
- The Board's responsibilities to implement a Workplace Violence Prevention Management Program that includes training, control measures related to risk assessment finding, summoning assistance, reporting, and investigation requirements
- Definitions of workplace harassment and workplace sexual harassment
- A commitment to investigate and deal with all complaints or incidents of workplace harassment in a fair, respectful, and timely manner, and
- That workers are not to be penalized or disciplined for reporting an incident or for participating in an investigation involving workplace harassment.

However, the regulation does not address the following:

- A supervisor or other management person who has the authority to prevent or address harassment of which they are aware or ought reasonably to be aware is occurring may be held responsible for failing to exercise their authority to do so
- The perpetrator of workplace harassment may be disciplined, up to and including termination, where appropriate
- The right of employees to pursue complaints with the Human Rights Tribunal of Ontario, the Ministry of Labour, and through the grievance process, and
- The need to protect employees from domestic violence that may occur in the workplace.

Recommendation 50: It is recommended that the Health and Safety, Workplace Violence, and Workplace Harassment Policy and Regulation be reviewed to address the following:

- A supervisor or other management person who has the authority to prevent or address harassment of which they are aware or ought reasonably to be aware is occurring may be held responsible for failing to exercise their authority to do so
- The perpetrator of workplace harassment may be disciplined, up to and including termination, where appropriate
- The right of employees to pursue complaints with the Human Rights Tribunal of Ontario, the Ministry of Labour, and through the grievance process, and
- The need to protect employees from domestic violence that may occur in the workplace.

Workplace Violence Prevention Management Program

This program supports the implementation of the Health and Safety, Workplace Violence, and Workplace Harassment Policy and Regulation.

It includes:

- Definitions of workplace violence and domestic violence
- Definitions and examples of what constitutes a nonserious and serious workplace violence incident
- Duties of the employer, program administrator, Health and Safety Officers, supervisors, and workers
- Measures and procedures to control the risks of workplace violence
- Workplace violence risk assessment and control measures
- Precautions related to domestic violence, and
- Reporting and investigation.

The document, however, does not:

- Define workplace, workplace harassment, and sexual harassment
- Specify that the Board is responsible for monitoring and evaluating the application of the policy, such as the collection and analysis of employee comments, feedback from investigators and managers, and information collected through exit interviews to inform the monitoring and review of the policy
- Identify timelines for beginning and completing an investigation and the length of time after an incident that a complaint can be submitted
- Specify the rights of the complainant and respondent once a complaint has been made, including the requirement for the complainant and respondent to be informed in writing of the results of the investigation
- Identify the need to monitor the workplace following disciplinary action to ensure that discriminatory or harassing incidents do not reoccur and that the working environment is positive and productive
- Delineate the investigation process, and
- Specify where, how, and by whom complaints and results from investigations will be retained.

Recommendation 51: It is recommended that the Workplace Violence Prevention Administrative Procedures be revised in order to address the identified issues and that it be made readily available to staff on the Board's intranet.

Human Rights Policy

This policy:

- Commits the GECDSD to providing a learning and working environment that promotes and supports the dignity, worth, and human rights of all in accordance with the Ontario *Human Rights Code*, the Canadian *Charter of Rights and Freedoms*, and the Ontario *Occupational Health and Safety Act*
- Lists the Code-protected grounds, and
- Specifies that the policy does not limit the right of employees to seek redress through the Human Rights Tribunal or a grievance.

Procedures do not accompany this policy to support its implementation.

Recommendation 52: It is recommended that when the Human Rights Policy is revised, procedures be developed to accompany it, consistent with the guidelines provided by the Ontario Human Rights Commission.²⁵

Correcting Employee Behaviour and Progressive Discipline Administrative Procedure

This policy is intended to ensure that employees have the opportunity to correct any performance or behavioural issues that may arise through the use of progressive discipline in the appropriate circumstances.

No issues were found with this procedure.

Health and Safety

Substance Use and Misuse Policy and Regulation

This policy commits the GECDSD to providing a safe, healthy, and productive workplace for staff and requires that they report to work fit for duty.

The regulation provides definitions of alcohol, cannabis, fit for work, workplace, and undue hardship. It also identifies the responsibilities of the Board, administrator/supervisor, Human Resources Department, and employees.

The regulation defines undue hardship and specifies the obligations of the Board to provide employees who have an alcohol and/or drug dependency or addiction with appropriate access to programs, services, benefits, or work accommodation in order to assist them to overcome their dependency in accordance with the GECDSD work accommodation process. However, it does not specifically state that addictions are considered disabilities and are protected by the Ontario *Human Rights Code*.²⁶

²⁵ Ontario Human Rights Commission. (2018). *A policy primer: Guide to developing human rights policies and procedures: 5. Anti-harassment and anti-discrimination policies*. <https://www.ohrc.on.ca/en/policy-primer-guide-developing-human-rights-policies-and-procedures/5-anti-harassment-and-anti-discrimination-policies>

²⁶ Ontario Human Rights Commission. (n.d.). *Human rights, mental health and addiction disabilities (brochure)*. <https://www.ohrc.on.ca/en/human-rights-mental-health-and-addiction-disabilities-brochure>

Recommendation 53: It is recommended that the Substance Use and Misuse Policy and Regulation specifically state that addictions are considered disabilities and are protected by the Ontario *Human Rights Code*.

Smoke-Free Learning and Working Environments Policy and Administrative Procedures

This document communicates the GECDSD's commitment to a safe and healthy learning and working environment that is free from the harmful effects of using and/or smoking tobacco products, cannabis (other than for medical purposes), and/or vapourizers.

The policy acknowledges exceptions for the use of tobacco for traditional Indigenous cultural or spiritual purposes. It states that requests for the use of tobacco will be addressed in accordance with the FNMI Protocol.

No issues were found with this policy or procedures.

Environmental Sensitivities Policy

Under the Ontario *Human Rights Code*, employers are legally obligated to accommodate persons with disabilities, where disabilities may include asthma, allergies, and even sensitivity to fragrance.²⁷

The GECDSD Environmental Sensitivities policies states that while the Board is committed to maintaining a safe and health environment for all individuals adversely affected by scented products:

This policy is not intended as an outright ban on scented products. Rather, staff, students, visitors and contractors are encouraged to be considerate of individuals who are allergic or sensitive to scented products and should avoid or reduce the use of fragranced products.

The policy fails to state that scent sensitivity may be a disability and that the Board has a duty to accommodate employees with such a disability, short of undue hardship. In addition, while the policy is titled "Environmental Sensitivities" it does not address sensitivities to things other than scents.

This policy is not accompanied by procedures to support its implementation.

Recommendation 54: It is recommended that the GECDSD revise its Environmental Sensitivities Policy to reflect the organization's obligation to accommodate an employee with scent sensitivity, short of undue hardship. This policy and supporting procedures should include processes to:

- Educate employees on the need to maintain a scent-free workplace
- Post notices in the workplace when a scent sensitivity has been identified

²⁷ Ontario Human Rights Commission. (2016, June 27). *Policy on ableism and discrimination based on disability: 8. Duty to accommodate*. <https://www.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability/8-duty-accommodate>

- Post notices that construction/remodelling, waxing, shampooing, painting, spraying, etc., will be conducted 1 week beforehand so that affected personnel can make arrangements or have their duties modified during that time
- Put the policy statement notice on all appointment cards, stationery, room booking notices, employment postings, etc.
- Specify wording for “Scent Free” signs and where the signs will be posted, and
- Create mechanisms to consistently enforce the policy.

Recommendation 55: It is recommended that the Environmental Sensitivities Policy address sensitivities to other environmental agents, other than scents.

Employee Health Program Policy

This policy commits the Board to creating and maintaining a healthy workplace by supporting individual and organizational health through both prevention and intervention. It states that the Employee Health Program will be supported by the Disability Management Program and an Attendance Support Program.

No issues were found with this policy.

Joint Employee Assistance Program Policy, Regulation, and Administrative Procedure

The objectives of this program are to provide confidential counselling or intervention service for employees and their families who request assistance with problems that may affect their personal lives or job performance through:

- Prevention and early intervention
- Assessment and/or counselling
- Referral as appropriate, and
- Follow-up.

The procedure addresses the responsibilities of the Board and employee groups. It also addresses the need to maintain the confidentiality of employees seeking assistance through the program.

No issues were found with this procedure.

Emergency Response Administrative Procedure

This procedure addresses emergency response in accordance with the province’s *Safe Schools Act* and *Emergency Management and Civil Protection Act*.

The procedure specifies:

- The responsibilities of the Board to, among other things, educate and promote emergency preparedness, make arrangements when evacuation is necessary, and assign resources for the implementation of, and compliance with, the procedure

- The responsibilities of administrators and supervisors to establish and maintain a site-based team to address Safe Schools/Emergency Response/Medical Emergency, ensure the team is familiar with the site’s safety infrastructure, and hold drills per the Board’s requirements
- The responsibilities of the site-based team regarding safe schools, emergency response, and medical emergencies, and
- The responsibilities of employees to read the administrative procedure and participate in drills and training.

This procedure fails to address the need for the Board, in compliance with the AODA, to have written plans for use in emergency situations that involve staff and students with disabilities who may require assistance in the event of an emergency. The AODA requires that organizations develop an individualized workplace emergency response plan that details all assistance a worker needs during a workplace emergency, including:²⁸

- Activating an alarm, or finding out that an alarm is sounding or flashing
- Locating or following paths to building exits
- Communicating with emergency responders
- Moving through crowds in stressful situations
- Travelling through and out of buildings without using elevators, and
- Finding and using designated waiting areas.

The procedures could be strengthened by:

- Addressing the need to comply with the requirements of the AODA
- Including the requirement that emergency preparedness information be provided in an accessible format, as needed
- Identifying how persons with disabilities will be informed of an emergency, as needed, and
- Specifying the requirement to develop an individualized workplace emergency response plan that asks an employee with a disability to indicate the type of support that would be needed rather than asking them to specify their disability.

Recommendation 56: It is recommended that the Emergency Response Administrative Procedures be updated to address the Board’s obligations to comply with the AODA by:

²⁸ Kovac, L. (2018, November 26). *Individualized workplace emergency response plan*. AODA.ca. <https://www.aoda.ca/individualized-workplace-emergency-response-plan/>

- Providing emergency preparedness information in an accessible format, as needed
- Identifying how persons with disabilities will be informed of an emergency, as needed, and
- Specifying the requirement to develop an individualized workplace emergency response plan that asks an employee with a disability to indicate the type of support that would be needed rather than asking them to specify their disability.

Attendance and Leaves

Unpaid Leave of Absence (All Employees) Administrative Procedure

This procedure is a guideline for the Director and Superintendents for interpreting clauses in the Collective Agreements dealing with requests for unpaid leaves. It provides a list of conditions that should be met in order for the leave to be granted and the operational requirements to be met by the employee.

No issues were found with this procedure.

Employee Absence Reporting Administrative Procedure

This procedure specifies the steps to be taken when an employee will be absent. A medical certificate is required for every absence due to illness beyond 5 consecutive days or as per the applicable Collective Agreement.

No issues were found with this procedure.

Recruitment and Promotion

Teacher Hiring Practices Policy and Regulation

This policy states the commitment of the Board to “having a diverse and qualified teaching workforce with the necessary knowledge, skills, and attributes to serve and support the needs of students and communities.” Through the policy, the Board also “recognizes its obligation under the Ontario *Human Rights Code* (the “Code”) to ensure that its hiring practices remain equitable to applicants from groups protected by the prohibited grounds under the Code.”

The regulation includes the following:

- Conflict of interest and nepotism and stating that “no employee shall participate in hiring decisions that directly or indirectly benefit themselves or any individual with whom the employee has an immediate familial, intimate, marital, or financial relationship
- The requirement that those participating on an interview panel be provided with anti-bias training
- The requirement for the Board to consider the needs of the students and community when developing additional qualifications, experiences, or assets

(e.g., additional OCT qualifications, lived experiences, skill sets, backgrounds, and varied work experiences) sought for the position

- The Human Resources Department will ensure that job postings are written with unbiased and inclusive language, and verify that they include bona fide job requirements that do not systemically discriminate on any of the Code-protected grounds
- Job postings will inform applicants that they may request accommodation for the interview on any of the Code-protected grounds
- All vacancies are to be posted on the Board’s electronic job posting and tracking system
- A description of the screening process to develop the short list of those who will be interviewed
- A description of the interview process, which will include a panel of at least two people and include people from diverse experiences, skill sets, and educational and professional backgrounds, and which will use the same interview questions for all candidates
- The selection of the successful applicant will be based on the scoring of each candidate using the same assessment criteria and structure, and all interview documentation, including notes, scoring rubrics, and reference check forms, will be provided to Human Resources
- Notification of the successful and unsuccessful applicants by Human Resources or the Interview Panel Chair, and
- Collection of demographic data from applicants at the time of application, using the standards set out in the Anti-Racism Data Standards per the *Anti-Racism Act*.

The regulation also states that all documents submitted or created as part of the hiring process are to be forwarded and retained by Human Resources for a period of 3 years plus the current year for internal competitions and the current year plus 1 year for external competitions.

The regulation also allows for its monitoring and evaluation by Human Resources by assessing:

- The skills in the workforce and identification of any gaps in those skills
- The diversity of the workforce and gaps in representation as compared with the student population and school community through the collection and analysis of employee demographic data, and
- The impact of its policies, procedures, and practices.

The regulations could be strengthened by:

- Requiring that all those who participate in the hiring process, from the screening of resumes to the interviewing and selecting of candidates, take mandatory anti-bias training
- Requiring that job postings include equity and anti-racism/anti-oppression competencies specific to the role
- Commit the Board to including people from diverse identities on the interview panel (e.g., diverse genders, racial backgrounds, and abilities)
- Specifying that the candidate’s need for accommodation will not be considered in the decision-making process
- Requiring the reporting of demographic data captured through the application process annually to the Board of Trustees, along with the identification of any barriers in the hiring process and plans to remove these barriers, and
- Conducting a Staff Census every 5 years to identify gaps in representation and that a plan be developed to close these gaps.

This policy addresses the hiring of teachers only and not any other staff at the GECD SB.

Recommendation 57: It is recommended that the Teacher Hiring Practices Regulation be revised to address the identified issues.

Recommendation 58: It is recommended that similar policies and regulations be developed to support the hiring of employees in nonteaching positions.

Selection of Principal and Vice-Principal Policy and Administrative Procedure

The policy states a commitment to selecting “the best possible candidates for principals and vice-principals.” The policy does not specify how the “the best possible candidates” are defined, nor does it acknowledge the value of reflecting and understanding the diversity of the school community.

This procedure:

- Commits the Board to equity and inclusion, and encourages applicants from a broad range of cultural diversities to apply
- States that the selection process will be consistent with AODA guidelines
- Describes the application process, which includes a posting and an application package
- Describes the screening process, including the requirement that the Screening Process and Interview Process Committees be balanced with respect to sex

and the requirement that an information session be held for members of these committees regarding the provisions of the Ontario *Human Rights Code*, diversity considerations, and the need for confidentiality

- States that each candidate will be assessed against the Ontario Leadership Framework
- Includes an interview process that includes an in-basket exercise and interview to assess the candidate against the Ontario Leadership Framework
- Allows for the debriefing of any candidate, and
- States that the interview results of each candidate will be reviewed by the Director’s Council to make the final determination on the readiness of each candidate.

This administrative procedure could be strengthened by:

- Reflecting the Board’s commitment to employment equity and the need to support the advancement of the groups that face persistent and systemic discrimination in employment, namely Indigenous peoples, racialized people, persons with disabilities, 2SLGBTQIA+, and women
- Including the needs to assess the ability of candidates to be equitable, to practise anti-racism/anti-oppression, and to lead a diverse group of students and employees
- Requiring that candidates be asked and provided with accommodation, and state that the need for accommodation will not be considered in the selection process
- Requiring that interviews be held to assess candidates, and
- Allowing for the collection of demographic data to assess the extent to which barriers to advancement may exist for the equity-seeking groups.

In addition, the GECD SB relies upon the Ontario Leadership Framework. Many school boards have developed their own leadership frameworks which centre equity, human rights, anti-racism and anti-oppression are added as leadership competencies. The GECD SB can do the same for its school administrators²⁹ and supervisory officers.³⁰

Recommendation 59: It is recommended that the Selection of Principal and Vice-Principal Policy and Administrative Procedure be revised to address the identified issues, ensure it is consistent with the Board’s commitment to employment equity, and acknowledge the need to reflect the diversity of the school community.

²⁹ York Region District School Board. (2020). *YRDSB Leadership Framework for school administrators*. http://www.yrdsb.ca/Careers/Documents/YRDSB_Leadership_Framework_School_Admins.pdf

³⁰ York Region District School Board. (2020). *YRDSB Leadership Framework for supervisory officers*. http://www.yrdsb.ca/Careers/Documents/YRDSB_Leadership_Framework_SupervisoryOfficers.pdf

Recommendation 60: It is recommended that GECD SB supplement the Ontario Leadership Framework by developing its own leadership framework which centres equity, human rights, anti-racism and anti-oppression are added as leadership competencies

Recruiting and Hiring of Supervisory Officers Policy and Regulation

The regulation outlines the process for recruiting and hiring Supervisory Officers. The panel includes the Director, two Supervisory Officers, the Chairperson of the Board or Vice-Chairperson, and two Trustees.

Under the *Education Act*, trustees are required to entrust the day-to-day management of the Board to the Director of Education. The key accountabilities of Boards of Trustees include the hiring and performance appraisal of the Director of Education. The Director of Education is then responsible for the hiring of Supervisory Officers.

The regulation states that interviews should be conducted consistent with best practices and the Ontario *Human Rights Code*. It also states that all interviews shall be scheduled to occur on one specific day. Despite the need to comply with the AODA regarding the accommodation of employees in the hiring process, the regulation does not specify this requirement.

Recommendation 61: It is recommended that the Recruiting and Hiring of Supervisory Officers Regulation be revised to remove Trustees from the hiring panel for Supervisory Officers.

Recommendation 62: It is recommended that the Recruiting and Hiring of Supervisory Officers Regulation be updated to address the need to provide accommodation based on any Code-protected ground.

Personnel

Official Working Hours/Flex Time/Summer Flex Time Administrative Procedure

This procedure identifies the normal working groups for the Board and the parameters within which flexible work hours will be accommodated during the school year and over the summer months.

The procedure does not recognize that flexible work hours may be a form of accommodation and, in these circumstances, may not be viewed as an optional request like other requests for flexible work hours.

Recommendation 63: It is recommended that the Official Working Hours/Flex Time/Summer Flex Time Administrative Procedure be updated to recognize that flexible work hours may be a form of accommodation per the Ontario *Human Rights Code*.

Expenses (Staff) – Conferences, Workshops, Meetings, and Travel Policy and Administrative Procedure

This policy recognizes the need to provide opportunities for employees to keep abreast of current developments relative to their work in education and the school system by attending conferences, workshops, and meetings. The procedure outlines the allowable expenses for which employees will be reimbursed and the method to claim reimbursement.

It states that individuals will be reimbursed for travel to carry out Board-related business provided that the most economical mode of transportation available is selected. This policy should recognize that the cost of travel for Indigenous employees and members of the equity-seeking groups may be above that which is the most economical for safety and accessibility reasons.

Recommendation 64: It is recommended that the Expenses (Staff) – Conferences, Workshops, Meetings, and Travel Administrative Procedure be updated to allow for Indigenous employees and members of the equity-seeking groups who may not be able to travel using the most economical means for safety and accessibility reasons.

Expenses (Staff) – International Travel (excluding United States) Administrative Procedure

This procedure addresses the allowable expenses for which employees will be reimbursed for international travel. This procedure acknowledges that the selection of the mode of transportation should be based on safety and practicality in addition to cost, duration, and convenience.

This policy should recognize that accessibility may also need to be taken into account when making travel arrangements for persons with disabilities.

Recommendation 65: It is recommended that the Expenses (Staff) – International Travel (excluding United States) Administrative Procedure be updated to recognize that persons with disabilities may need to take into account accessibility when making travel arrangements.

Performance Management

Performance Appraisals Regulation

This regulation addresses the need for a performance appraisal system to be developed for each employee group, with a copy being given to the employee and a copy retained in the employee's personnel file.

The Ontario *Human Rights Code* and the AODA require employers to provide accommodations based on disability in all aspects of employment. The AODA directs employers to take an employee's accessibility needs into account throughout its

performance management processes.³¹ However, information regarding available supports for employees with disabilities is not included in the regulation.

The Ontario Human Rights Commission recognizes that the lack of formal mentoring programs creates a barrier to advancement for Indigenous peoples and many members of the equity-seeking groups. Where a formal mentoring program does not exist, it is often replaced by informal mentoring whereby managers select employees to “take under their wing.” Often, the employees who have access to informal mentoring are individuals from backgrounds and identities similar to those of their manager. Formal mentoring programs specifically directed at employees and teachers who are Indigenous and from the equity-seeking groups would help to ensure that all employees have access to mentorship.³²

Recommendation 66: It is recommended that the Performance Appraisal Regulation address the need to take an employee’s accessibility needs into account throughout the performance appraisal process.

Recommendation 67: It is recommended that the GECD SB establish an additional formal mentoring program to support the advancement of teachers and staff who are Indigenous or members of the equity-seeking groups.

Policy Gaps

A number of policy gaps were identified in the GECD SB’s employment policy framework.

Ethics and Integrity Reporting (Whistleblower) Policy

Such a policy would encourage and enable trustees, employees, and the public to raise concerns related to the integrity of the Board’s trustees and employees. This policy would:

- Specify the responsibility of all employees to report any unethical, unlawful, or legally questionable conduct or professional misconduct
- Specify a reporting process
- Specify a process for investigating concerns
- Identify consequences for false reporting
- Protect from reprisal those who report an issue, and
- Provide for an annual summary of incidents to identify any trends and systemic issues that may need to be addressed.

³¹ Government of Ontario. (2022, May 2). *Accessible workplaces—Talent and performance management*. <https://www.ontario.ca/page/accessible-workplaces#section-4>

³² Ontario Human Rights Commission. (2008). 10. Training, promotions and advancement. In *Human rights at work 2008* (3rd ed.). <https://www.ohrc.on.ca/en/iv-human-rights-issues-all-stages-employment/10-training-promotions-and-advancement>

Recommendation 68: It is recommended that the Ethics and Integrity Reporting (Whistleblower) Policy be developed to specify that all employees are responsible for reporting any misconduct, identify a reporting and investigation process, specify consequences for false reporting, protect reporters from reprisal, and include an annual review of a summary of incidents to inform necessary changes to the policy and education of employees.

Guidelines for Accommodating and Supporting Gender Identity and Gender Expression

The Ontario *Human Rights Code* requires employers to protect employees who are trans or gender non-conforming. Guidelines or administrative procedures will support people managers to understand their obligations to provide accommodation and foster inclusive work environments for these employees.

These guidelines should provide guidance on supporting employees who are trans and may be changing genders, but also those who are not changing genders and who may be gender non-conforming to ensure that the gender identity rights of all employees are respected.

Recommendation 69: It is recommended that the GECDSD develop guidelines and/or administrative procedures to accommodate and support the full inclusion of employees from all gender identities.

Chosen Names and Pronouns Policy

For many reasons, a person may choose to use a name (sometimes known as a preferred name, chosen name, a nickname, or a name-in-use) that is different from their legal name. A chosen name may reflect a person's gender identity, a nickname they have grown up with, a shortened version of their name, a Canadianized name, or their desire to distinguish themselves from someone with a similar name. In addition, allowing people to identify their gender pronouns is a way of promoting inclusion for trans and gender nonconforming people.

The GECDSD could support the use of chosen names and pronouns by developing a Chosen Names and Pronouns Policy, and also by encouraging staff to include their pronouns in their email signatures. There may be circumstances (e.g., when conducting a reference check, for payroll, etc.) when a legal name is required. These circumstances should be addressed in the policy and procedures.

Providing education to staff is also important, as it helps to establish norms of respect in the organization and ensures that all staff understand that using chosen names and pronouns signals their willingness to be inclusive to everyone.

Recommendation 70: It is recommended that the GECDSD develop a policy and procedures for employees to identify their chosen name, if it differs from their legal name, upon hiring (and potentially even during interviewing), as well as procedures to support the use of their chosen name unless use of their legal name is required.

Exit Interviews Policy and Administrative Procedures

The GECDSD does not have a policy or procedures in place to support the collection of information from exiting employees.

Conducting exit interviews and allowing exiting employees to anonymously share their feedback is a best practice to obtain honest feedback on the organization's management practices, organizational culture, and the experiences of Indigenous employees and employees from the equity-seeking groups. Exit interviews may be performed as one-on-one discussions with Human Resources, through confidential feedback on a written survey, or through a third party. This information should also be analyzed to identify any systemic issues that ought to be addressed.

While we heard in the consultations that exit interviews do occur, policies and procedures would ensure consistency and support the use of this information.

Recommendation 71: It is recommended that the GECDSD embed in policy the need to conduct exit interviews with employees who voluntarily resign from the organization as well as those who transfer between positions within the organization. The exit interviews should include questions about the employee's experiences working with the organization and work team or school. The questions should also allow the GECDSD to analyze employees' reasons for leaving by identity group to better understand the experiences of Indigenous staff and those from the equity-seeking groups and how these experiences may have contributed to their departure from the organization or movement within the organization.

Recommendation 72: It is recommended that, on an annual basis, Human Resources summarize information from the exit interviews, by identity group, to present to the senior leadership team in order to identify areas of concern and develop plans to address the identified concerns with respect to equity, diversity, and inclusion.

Accommodation

The Ontario *Human Rights Code* requires that all employers provide accommodation based on any human rights protected ground. While the Board has policies and procedures to provide accommodation based on injury or illness, it does not have a general accommodation policy that would ensure that accommodation is provided based on other Code-protected grounds such as religion, family status, sex (which includes pregnancy and breastfeeding) and gender identity. Such a policy would help ensure that the Board is in compliance with its obligations under the Code.

Recommendation 73: It is recommended that the GECDSD develop an Accommodation Policy to address the Board's obligations to provide accommodation based on the other human rights protected grounds.

Work From Home

As the pandemic continues employees across various sectors are seeking more flexibility in how and when work is conducted. While the GECDSD has many school-based staff who are unable to work from home, there are a number of other staff who may be able to work from home. A Work From Home Policy would help support the consistent access of this option for GECDSD employees.

Recommendation 74: It is recommended that the GECDSD develop a Work From Home Policy.

Disconnecting From Work

In 2021, the requirement that employers have a written policy on disconnecting from work was added to the *Employment Standards Act*.

The term “disconnecting from work” is defined in the ESA to mean not engaging in work-related communications, including emails, telephone calls, video calls or sending or reviewing other messages, to be free from the performance of work.

Recommendation 75: It is recommended that the GECDSD develop a Disconnecting from Work Policy.

Additional Recommendations

The policy review found that a number of policies included gendered language such as “he/she.”

Recommendation 76: It is recommended that the GECDSD use its policy review process as an opportunity to review all policies through an equity lens, including by incorporating gender-neutral language in all policies.

8. Recruitment and Selection Processes and Practices

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.

The nature of the recruitment and selection process renders it susceptible to systemic barriers and individual biases. Consequently, it is important to use a structured process to minimize the potential for barriers and biases. A structured process helps 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 structured process does not guarantee the elimination of barriers and biases, it does help to reduce their impact. It also helps to reduce the level of subjectivity in the hiring process, which may undermine the Board's strategic priorities and human rights obligations.

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

1. Vacancy management process
2. Job postings
3. Advertising job openings
4. Application form
5. Accommodation during the hiring and selection process
6. Pre-screening
7. Assessment of candidates
8. Reference checks
9. Staffing files
10. Hiring decisions.

8.1 Vacancy management process

Typically, public sector organizations have a number of processes in place to manage positions and to ensure that the staff hired are being hired into funded positions for which there is a job description. These controls not only support good fiscal management, but also help to ensure accountability and limit nepotism and favouritism.

Throughout the consultations with staff, we heard concerns that leaders have hired family members or people with whom they have close personal relationships. Concerns were also raised that employees have been hired into positions without job descriptions and without a competitive process. They shared their concerns that allowing positions to be filled without a competitive process undermines the Board's stated objective of "hiring the best person for the job." They shared that if the Board truly wanted to hire the best person for the job, employees with the skills, knowledge, experience, and interest should know about the position and should be able to demonstrate their competence for the position through a competitive process.

Furthermore, Human Resources staff also indicated that they are not involved in, or know about, hiring that is conducted across the Board. In some cases, they only become aware that someone has been hired after the offer of employment has been made, and in some cases, after the new employee is inquiring about why they haven't yet been paid.

Beyond the issue of equity, there are a number of reasons why the lack of a vacancy management process is problematic and could undermine good fiscal and human resources management—both of which are critical if the GECD SB is to become a more diverse, equitable, and inclusive organization.

Recommendation 77: It is recommended that vacancy control policies and processes be put in place to ensure that new employees are hired into funded positions with job descriptions, that approvals have been given by Human Resources to initiate a hiring process, and that HR be involved throughout the entire hiring process to ensure a fair and equitable process that is consistent with GECD SB policies.

Recommendation 78: It is recommended that each vacancy longer than 2 months be filled through a competitive process, where the collective agreement doesn't specify a timeline.

8.2 Job postings

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

In addition, other information in the job posting supports job seekers to fully understand the position, know where to find more information about the job opening, and apply for the position.

Wording of job postings

The job postings reviewed all use the same template, which includes the following: job type, job category, school, start date, end date, salary, and job description and requirements. While there is a section for salary, this information was not included on the job postings reviewed. Including the salary range on the job ad, as many public sector organizations do, helps job seekers decide whether or not to apply for the position.

The information provided on job posting provides job seekers with sufficient information to help them customize their resume to the position. It also helps them understand the qualities that the organization is seeking in their employees. However, duties and qualifications are not included on all of the job postings for teaching positions.

Recommendation 79: It is recommended that a description of the job, duties, skills, and qualifications be included on each job posting.

Recommendation 80: It is recommended that the salary range be included on each job posting.

Equity statement

Equity statements are an important component of the job posting and support a diverse applicant pool. For organizations committed to diversifying their workforce, an equity statement signifies to job seekers from marginalized groups that the Board is interested in closing gaps in representation and that it has an equitable hiring process.

On its Career webpage, the GECDSD states its commitment to diversity and inclusion:

The Greater Essex County District School Board actively encourage applications from members of groups with historical and/or current barriers to equity, including, but not limited to:

- First Nations, Métis and Inuit peoples, and **all other Indigenous peoples;**
- Members of groups that commonly experience discrimination **due to race, ancestry, colour, religion and/or spiritual beliefs, or place of origin;**
- Persons with visible and/or invisible (physical and/or mental) disabilities;
- Persons who identify as women; and
- Persons of marginalized sexual orientations, gender identities, and gender expressions. [emphasis added]

We recognize that many of these identities intersect and therefore, equity, diversity and inclusion can be complex. We value and respect the contributions that each person brings to enriching the Board and are committed to ensuring full and equal participation for all in communities that we serve.

This list is different from those that have been designed for employment because they experience systemic and persistent discrimination in employment. It should include visible minorities³³ (or racialized people) rather than the broader group of “members of groups that commonly experience discrimination due to race, ancestry, colour, religion and/or spiritual beliefs, or place of origin.” In addition, by specifying that “all other Indigenous peoples” are included with First Nations, Métis, and Inuit, this definition broadens this group to include Indigenous peoples from beyond North America or Turtle Island to include those from across the world, which was not the intent of employment equity in Canada. Given that the term “Indigenous” refers to people from around the world who have inhabited land from before the arrival of colonists, it is suggested that the term “Indigenous” be changed to “Indigenous to North America or Turtle Island” to ensure that it is not referring to peoples Indigenous to other parts of the world.

The job posting on Apply to Education includes a statement of commitment to equity and accommodation:

As part of our commitment to diversity and inclusion, the Greater Essex County District School Board welcomes and encourages applicants from a broad range of cultural, ethnic, racial and gender identities, as well as from people with disabilities to apply and self-identify.

Again, this statement does not focus on members of the employment equity-designated groups who have experienced systemic and persistent discrimination in employment. Instead, it broadens the focus to include everyone. It extends the focus beyond racialized people to include people from all cultural and ethnic identities (which includes all Canadians). This statement does not specifically name people who are Indigenous. In addition, this statement includes people from “a broad range of gender identities,” which again includes all genders not just those which are marginalized.

Recommendation 81: It is recommended that the GECDSD’s equity statement be revised to encourage applications from the groups that experience persistent and systemic discrimination in employment, namely Indigenous peoples from North America (or Turtle Island), racialized people, persons with disabilities, 2SLGBTQIA+, and women.

Accommodation statements

Accommodation statements help organizations meet their obligation under the Ontario *Human Rights Code* and the AODA to offer and provide accommodation to prospective employees based on any Code-protected ground.

³³ This outdated term continues to be used in the federal *Employment Equity Act*.

The GECD SB includes the following accommodation statement on its Careers webpage and on job postings:

We will make the necessary accommodations for applicants to support all aspects of the recruitment process. Please contact the Human Resources Department if you require assistance with any accommodations.

The AODA requires that employers:³⁴

. . . notify applicants that accommodation is available. They may do so by advertising on websites or job postings that they encourage applications from people with disabilities. Employers must also tell applicants that they may ask for accommodations for the interview or assessment.

The statement on the Careers webpage asks job seekers to contact the Human Resources Department if they require assistance in accommodations. However, it should state that when contacted for an interview, individuals should let their accommodation needs be known. In addition, the Board has an obligation to provide accommodation based on any Code-protected ground, not just disability. For example, the accommodation statement could read as follows:³⁵

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.

Recommendation 82: It is recommended that the GECD SB's accommodation statement be revised to specify that the Board will provide accommodation based on any Code-protected ground and that candidates should let their needs be known when contacted for an interview.

Recommendation 83: It is recommended that the same equity and accommodation statements be included on each job posting as well as on the Board's Careers webpage.

Equity-related qualifications

This ESR reviewed job postings to determine whether they include qualifications related to the candidate's ability to work with a diverse group of co-workers, deliver services to a diverse student population, or manage a diverse group of employees.

³⁴ Kovac, L. (2018, November 5). *What is the Employment Standard?* AODA.ca. <https://www.aoda.ca/what-is-the-employment-standard/>

³⁵ PDSB Careers webpage: <https://www.peelschools.org/careers>

The following qualification was found on many job postings:

Demonstrate a commitment to and documented success in working to create a fair, inclusive, anti-racist environment for all stakeholders, and to supporting diverse constituencies and populations.

“Documented success” could be changed to “demonstrated competence” to allow for employees who have developed and applied their competencies, which may not have been documented by the person they report to.

For positions that work with First Nations, Métis, and Inuit (FNMI) students, the qualifications include:

- A deep understanding of the Indigenous culture and a familiarity with FNMI learnings/practices that will leverage teaching strategies and student learning.
- An understanding of current and emerging issues of importance to Indigenous people and communities.

This language is problematic as there is not one “Indigenous culture,” but many Indigenous cultures.

This job posting also states that “Applicants are encouraged to Self-Identify as the FNMI Student Support Worker position is a designated position.”

Recommendation 84: It is recommended that equity-related competencies be revised to ask for a demonstrated commitment to and demonstrated competence related to equity and that the wording of job posting for positions working with FNMI students recognize the diversity among Indigenous students.

8.3 Advertising job openings

Careers Webpage

This review found that the Careers webpage:

- Provides information to job seekers about the types of jobs available, including teaching, nonteaching, and principal and vice-principal opportunities
- Describes the application process
- Identifies current opportunities, and
- Provides names of whom to contact with questions.

The GECDSD could do more to encourage job seekers who are Indigenous or from the equity-seeking groups to apply to a position with the organization. For example, the Board could:

- Describe what to expect in the interview process
- Provide application and interview tips

- Specify other benefits of working at the GECDSD
- Answer frequently asked questions, including the following:
 - “What types of accommodation will be provided to support me to participate in the hiring and selection process?”
 - “What if my interview falls on a holy day or holiday?” and
 - “What is the process to request an accommodation?”
- Specify that a Police Records Check will be required
- Describe the process that will occur should a candidate’s Police Records Check not be clear
- Information could also be provided for job seekers who are internationally trained. For example, some organizations provide information such as the following to help job seekers have their qualifications assessed:³⁶

We encourage all foreign-trained applicants to have their academic credentials evaluated prior to applying for employment in order to accurately interpret and compare them to Canadian equivalents. For an evaluation, please contact any one of the following service providers:

- [International Credential Assessment Services of Canada](#)
- [University of Toronto](#)
- [World Educational Services](#)

Recommendation 85: It is recommended that the Careers webpage be updated to provide the following information:

- What to expect in the interview process
- Application and interview tips
- Other benefits of working at the GECDSD
- Answering frequently asked questions, including the following:
 - “What types of accommodation will be provided to support me to participate in the hiring and selection process?”
 - “What if my interview falls on a holy day or holiday?” and
 - “What is the process to request an accommodation?”
- Specifying that a Police Records Check will be required
- Describe the process that will occur should a candidate’s Police Records Check not be clear, and

³⁶ PDSB Careers webpage: <https://www.peelschools.org/careers>

- Information for internationally trained professionals who wish to have their credentials assessed.

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. Not only does outreach recruitment encourage a more diverse applicant pool for vacant positions, but it also signals to those from diverse communities, backgrounds, or identities that the organization is welcoming to people like them, which could then increase the likelihood that they may consider applying to job openings in the future. Without the relationship building that is inherent in outreach recruitment, job seekers may hear about specific job openings but not apply if they perceive the organization to be a “closed shop” and unwelcoming of people from their community, background, or identity.

The GECD SB engages in targeted recruitment for Indigenous employees. It has a list of local and provincial organizations that they send postings to and a separate portal for Indigenous people to apply on Apply to Education which also allows them to self-identify as Indigenous. However, it does not conduct similar outreach to encourage applications from racialized, disabled, and 2SLGBTQIA+ job seekers. Human Resources reports that it has recently begun to share job postings with Black community organizations.

Recommendation 86: It is recommended that the GECD SB engage in targeted outreach recruitment for not only Indigenous people, but also racialized people, persons with disabilities, and those who identify as 2SLGBTQIA+, to attract applicants from these groups into teaching and other positions.

Recommendation 87: It is recommended that the GECD SB engage in outreach recruitment with local colleges and universities to help attract new staff who are Indigenous and from the equity-seeking groups.

8.4 Application form

Job seekers are able to apply online to job openings through Apply to Education. For nonteaching positions, there is no fee for Apply to Education. The application fee has recently been waived for those applying to teaching positions as well.

The website states that any applications received by another method (i.e., mail, drop-off, email, or fax) will not be kept on file. Indigenous applicants are able to email their resumes, with the website stating:

In support of the Board’s signed Indigenous Protocol, applicants of First Nations, Métis, and Inuit descent may apply to fnmicareers@publicboard.ca. Please choose one submission method only. No other form of application will be accepted from external candidates.

The online application form asks various questions to collect a range of information, including:

- Pronoun(s)
- Have you ever been convicted of an offence under the *Criminal Code* of Canada for which a pardon has not been granted? (If yes, the applicant is asked to provide a comment about the conviction.)
- Are you legally eligible to work in Canada?
- Are you willing to re-locate?

Applicants are also asked to upload the following documents:

- Teaching Evaluations
- Practicum Reports
- Certificates & Diplomas
- Teaching Qualifications/Licenses
- Reference Letter(s)
- Transcripts
- Criminal Background Check

Requiring job seekers to upload their certificates and diplomas opens the GECDSD up to accepting fraudulent documents, which has become an issue in Canada. Because of the proliferation of degree mills, many universities have moved to online verification of education credentials.³⁷

In addition, the GECDSD should also provide guidance to those involved in the hiring process should a candidate not be able to provide their original certificate or degree. This is important for refugees and others who may be unable to supply the documents needed to verify their academic credentials. While many refugees have been successful in obtaining their official documentation from their home institutions, either through their own efforts or through embassies, there are some cases where accommodation may be needed. In 2007, the Ontario Superior Court ruled that the Ontario College of Teachers had violated the province's *Human Rights Code* by requiring an Iranian refugee to provide original documents to prove her teaching qualifications. The person, who taught in Iran for 16 years before fleeing to Canada, feared that the Iranian government might harm her relatives in Iran were she to request the documents. The court ruling stated that:

³⁷ Szeto, E., & Vellani, N. (2017, September 10). *'All of us can be harmed': Investigation reveals hundreds of Canadians have phoney degree*. CBC News. <https://www.cbc.ca/news/business/diploma-mills-marketplace-fake-degrees-1.4279513>

It is plain and obvious to me that to insist on original, or government certified documents from her place of origin, is prima facie discriminatory against her, in view of the evidence she has provided. The obligation was upon the [Registration Appeals] Committee to provide individual accommodation, unless it could establish that accommodation was impossible without imposing undue hardship on the College.

In addition to this question, this section could inform job seekers that a criminal record will not automatically preclude them from employment with the GECD SB and that there is a process to review the information provided.

In addition, Apply to Education has an option that allows job seekers to self-identify as belonging to the employment equity designated groups. The GECD SB could turn on this option so that it can track the applications from job seekers from these groups and use the data to identify barriers in the hiring process.

Recommendation 88: It is recommended that the GECD SB develop processes to ensure that it is not accepting fraudulent educational credentials, which may include verifying credentials directly with the issuing institution.

Recommendation 89: It is recommended that the GECD SB ensure that guidance be provided to those involved in the hiring process should a candidate be unable to provide their original certificate or degree to ensure that accommodations are provided.

Recommendation 90: It is recommended that the GECD SB pursue the option to access the self-identification options in Apply to Education and develop procedures to ensure that it makes use of the self-identification data to identify barriers in the hiring process and to support the diversification of the workforce. The Board should also inform job applicants about whether and how their demographic data will be considered in the selection process.

8.5 Accommodation during the hiring and selection process

The AODA requires that persons with disabilities receive accommodation in the hiring and selection process if necessary. The Employment Standard of the AODA requires that organizations:³⁸

- Notify applicants that accommodation is available. They may do so by advertising on websites or job postings that accommodation will be provided in the hiring process.
- Employers must also tell applicants that they may ask for accommodations for the interview or assessment.
- If a selected applicant makes a request, employers must consult with the applicant to provide the accommodation.

³⁸ Kovac, L. (2018, November 5). *What is the Employment Standard?* AODA.ca. <https://www.aoda.ca/what-is-the-employment-standard/>

When candidates are invited for an interview, the email sent informs them that accommodation is available for applicants with disabilities. It states the following:

PLEASE NOTE: The Greater Essex County District School Board has an accommodation process in place that provides accommodations for employees and applicants with disabilities. If you require a specific accommodation for your interview because of a disability, please contact Human Resources. This ensures that the appropriate accommodations are in place before you have an interview and begin your employment.

While this statement complies with the requirements of the AODA, it does not inform applicants that they can request accommodation based on any other human rights protected ground. The statement should also state that job applicants should let their accommodation needs be known when contacted for an interview.

Recommendation 91: It is recommended that the accommodation statement inform applicants that they can request accommodation based on disability and any other human rights protected ground and that they should let their accommodation needs be known when contacted for an interview.

8.6 Pre-screening

Pre-screening includes reviewing the skills, experience, and qualifications of job applicants against the stated requirements on the job posting to identify who will be invited for an interview. Typically, a spreadsheet is used to document that each applicant has been assessed against the criteria and to justify the selection of those invited for an interview.

The staffing files provided for this ESR typically did not include a pre-screening form. As a result, the consultants had no way of determining how resumes are reviewed nor how applicants were assessed and invited for an interview. Where a pre-screening form was included, it was unclear what factors were considered when inviting candidates for an interview.

Recommendation 92: It is recommended that the Human Resources Department develop, share, and require the use of a pre-screening form to support the consistent assessment of applicants in order to determine who is invited for an interview and that this form be retained in the staffing files.

8.7 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 tests and interview questions that reflect the skills and abilities needed for the job; identify a score and weight for each type of assessment; and administer the same tests and ask the same questions of all candidates.

Ensuring consistency in the assessment of candidates 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 it is that women are successful in the process.³⁹ This finding likely holds true for candidates from the other equity-seeking groups as well.

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.⁴⁰ 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 Indigenous peoples and members of the equity-seeking groups.

Decades' worth of research conducted in Canada and the United States demonstrates 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 assessment of job candidates. One study found that in the hiring process, men are judged based on their potential and women on their past performance.⁴¹ 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.⁴² There is also evidence that the qualifications and work experience of immigrants are likewise 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

To minimize the effect of bias on candidates who are Indigenous or from the equity-seeking groups, organizations typically strive to ensure diversity among interview panels. A more diverse panel increases the validity of the interview as a primary selection tool and decreases the differences in outcomes between equally qualified candidates from various groups. It also decreases the likelihood of introducing gender or cultural bias in the interview process, which in turn increases the fairness—and

³⁹ Polisar, J., & Milgram, D. (1998, October). Recruiting, integrating and retaining women police officers: Strategies that work. *The Police Chief*, 65(1), 42–52.

⁴⁰ Bohnet, I. (2016, April 18). How to take the bias out of interviews. *Harvard Business Review*. <https://hbr.org/2016/04/how-to-take-the-bias-out-of-interviews>

⁴¹ Jacobs, T. (2019, April 25). Men are judged based on their potential; women are judged based on their past performance. *Pacific Standard*. <https://psmag.com/economics/men-are-judged-based-on-their-potential-women-are-judged-based-on-their-past-performance>

⁴² Gonzalez, M. J., Cortina, C., & Rodriguez-Menes, J. (2019, March). Are women less likely to get hired? *La Caiza Social Observatory*. <https://observatoriosociallacaixa.org/en/-/mujeres-oportunidades-contratadas>

⁴³ Cruickshank, A. (2017, December 26). Black job seekers have harder time finding retail and service work than their white counterparts, study suggests. *Toronto Star*. <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>

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 reduce such bias.

8.7.a Interviews

Depending on the position, Human Resources staff and/or the manager may set up the interview, develop the interview questions, and convene the interview panel. For some positions, Human Resources staff may sit on the interview panel.

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. However, there is no indication that hiring managers are advised to make an attempt to include people from diverse backgrounds on the interview panel. This is particularly important when hiring for positions that focus specifically on Indigenous students.

Recommendation 93: It is recommended that hiring managers are advised to include people from diverse backgrounds on the interview panel, where possible. When hiring for positions with a specific focus on Indigenous, Black, or racialized students, the hiring panel should predominantly consist of people from the respective group; this may include, where possible, including community members as part of the hiring process.

Scoring

The review of the competition files found that Interview Guides were used. These forms included the interview questions and a scoring scale that is simply “12345.” Typically, organizations provide a scoring rubric with more information to help members of the interview panel consistently and fairly score the candidate’s responses. For example:

- 1 – No evidence
- 2 – Little evidence
- 3 – Moderate evidence
- 4 – Considerable evidence

Consistent and fair scoring is supported by the inclusion of “look fors” or indicators of proficiency on the Interview Guide. This helps members of the interview panel understand the depth and breadth of the response that they are seeking, and helps them to have the same understanding of the responses sought.

In addition to scoring, interview questions should be weighted to ensure that

⁴⁴ Dechief, D., & Oreopoulos, P. (2012). *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. <http://dx.doi.org/10.2139/ssrn.2018047>

the questions related to the most important competencies are given the most importance in the hiring process. The weighting of the questions should also include a requirement that candidates have a passing score for equity-related interview questions, for leadership, teaching, and other key positions.

Recommendation 94: It is recommended that guidance be provided to hiring managers to support the consistent scoring of candidate’s responses against predetermined indicators of proficiency along with the weighting of questions and the need to have a passing score for equity-related interview questions for certain positions.

8.7.b Interview questions

The competition file review found many examples of good interview questions that were relevant to the position and allowed the interview panel to assess the candidate’s qualifications.

However, we found that the questions were most often situational questions (e.g., “What would you do in the following situation?”) and did not include a good mix of questions that were experiential (e.g., “What experience do you have in . . .?” “Describe your experience with . . .”), knowledge and skill based (e.g., “Please state your knowledge of . . .”), and behavioural (e.g., “Tell us about a time when . . .”). Including a good mix of the various types of interview questions would help people with a range of experience and knowledge demonstrate their competence for the role.

Hiring managers are responsible for developing the interview questions used in each competition. In our review of the competition files, we determined that candidates were sometimes asked questions that were unrelated to assessing their skills and abilities for the job and some questions that may put Indigenous peoples and members of the equity-seeking groups at a disadvantage. These questions are as follows:

- **Questions unrelated to the duties of the job:** Some questions can appear to be job related but don’t help to assess a candidate’s skills and abilities for the job. For example:
 - “What are the top three skills every good accountant has and why?”
- **Gender-biased and culturally biased questions:** Some interview questions are gender-biased and/or culturally biased and may be difficult for some candidates to answer because of gender socialization. In addition, in some cultures, speaking about one’s accomplishments is seen as “bragging” and is therefore frowned upon:
 - “Please comment on your related experiences and personal characteristics that make you the most suitable candidate for the position of Developmental Service Worker with the Greater Essex County District School Board.”
 - “What makes you the ideal candidate for this position?”

These questions require candidates to “sell themselves” to the interview panel, which favours men, as most men are socialized to be overconfident.⁴⁵ These types of questions also put people from the dominant Canadian culture at an advantage, as people from many other cultures are socialized to be humble when speaking about themselves. The desired characteristics are also more likely to be demonstrated by men from the dominant culture than by men from other cultures, as masculine norms differ across cultures.⁴⁶ As such, these types of questions do not support the hiring of Indigenous peoples or members of the equity-seeking groups; such questions may in fact undermine their success in the interview process even when they are better qualified than other candidates.

Some positions that would require staff to work specifically with Black and FNMI students included equity-related questions as part of the interview process; however, equity-related questions were not always asked for each competition.

We did not find guidance for the interview panel to indicate that candidates are provided with a written copy of the interview questions to refer to during the interview. This is a best practice that supports those who are visual learners to understand the question and fully respond to it. Providing a copy of the interview questions a few minutes prior to the interview further supports candidates to prepare their responses and manage the time allotted for the interview.

In the consultations, employees noted that those on the interview panel are instructed only to ask the interview question and are told that they are unable to rephrase the question and unable to ask probing questions. Good practice does allow for rephrasing and probing, and supports Indigenous candidates and candidates from the equity-seeking groups to do their best in the interview process. In addition, hiring managers noted that they have not been provided with guidance from Human Resources to support a bias-free hiring process.

Recommendation 95: It is recommended that all those involved in hiring receive mandatory training to help them understand and minimize the impact of unconscious bias in the hiring process and understand how to create bias-free hiring processes that focus on the objective assessment of a candidate’s job-related skills and abilities.

Recommendation 96: It is recommended that a Hiring Toolkit be developed to:

- Provide guidance to hiring managers on developing interview questions that focus on assessing the candidate’s skills and abilities to do the job and the need to score each question against predetermined “look fors”

⁴⁵ Chamorro-Premuzic, T. (2013, August 22). Why do so many incompetent men become leaders? *Harvard Business Review*. <https://hbr.org/2013/08/why-do-so-many-incompetent-men>

⁴⁶ Chen, S. (2016, July 5). Chinese tradition of humility and self-effacement disguises people’s true emotions, research suggests. *South China Morning Post*. <https://www.scmp.com/news/china/article/1985661/chinese-tradition-humility-and-self-effacement-disguises-peoples-true>

- Provide guidance to hiring managers on developing interview questions and that these questions: (1) assess the candidate's equity-related competencies; (2) include a mix of different types of interview questions (i.e., behavioural, situational, technical or knowledge, and experience); and (3) focus on assessing the candidate's skills and abilities for the job. This guidance may also include developing a pool of interview questions related to various competencies from which hiring managers are able to select.
- Require that the interview panel provide a written copy of the interview questions for the candidate to refer to during the interview and, where possible, allow the candidate to review the written questions a few minutes prior to the interview
- Include instructions for interview teams that reflect a number of best practices:
 - Open the interview by explaining the process to the candidate, including the number of questions to be asked and the time allotted for the interview
 - Guidance on the use of "look fors"
 - Guidance on probing
 - Consensus scoring
 - Guidance on cultural norms (e.g., candidates not making eye contact)
- Address the potential impact of unconscious bias in the hiring process, including tips for hiring managers to mitigate the impact of bias on the hiring process.

8.7.c Testing

In only one staffing file did we find that, in addition to interviews, other forms of assessment were included as part of the hiring process. The assessment included a presentation to the interview panel. However, a scoring sheet to determine how this presentation was assessed was not included in the file.

Recommendation 97: It is recommended that hiring panels receive guidance on how to use other forms of assessment, such as presentations and testing, which can be added to their assessment of a candidate's skills, and how to ensure that these assessments are consistently administered and scored; and that candidates be asked whether they require any accommodation to complete the test.

8.8 Reference checks

Reference checks are conducted following interviews. The reference check form asks references to rate each candidate on a scale of 1 (needs improvement) to 5 (excellent) on a number of characteristics in two categories: general work habits and attitude and job performance.

None of the reference check questions asked about the candidate’s ability to work with a diverse group of students and colleagues.

Guidance should also be provided to the hiring manager to ensure that references are checked to confirm the hiring of the successful candidate. Given that individuals are often penalized for being champions of equity or are given poor references to limit their advancement opportunities, guidance should be provided on how to consider negative reference checks that are provided by current managers, particularly when other references and performance appraisals are positive.

Recommendation 98: It is recommended that reference checks include a question, appropriate for the position, on equity and diversity.

8.9 Staffing files

A complete staffing file allows the organization to document the hiring process and justify the interview panel’s hiring decision. This allows for an accurate and thorough debrief of all candidates, should it be requested. It also enables the organization to defend its hiring decision should it be challenged through a grievance or human rights complaint.

The files provided were not always complete and did not enable us to determine whether each applicant was fairly assessed against job qualifications to determine who to invite for an interview and how candidates were assessed to determine the successful candidate.

A checklist would help to ensure that all relevant documents are included in the competition file once the hiring process is complete.

Recommendation 99: It is recommended that a checklist be provided to specify which items should be maintained in the competition files.

8.10 Hiring decisions

Despite the GECD SB’s commitment to diversify the workforce and the collection of self-identification data during the application process, this information is not used in the hiring process to ensure that a diverse group of people were interviewed or to support the hiring of employees from diverse backgrounds.

Recommendation 100: It is recommended that Human Resources make use of the data collected in the application process to support the hiring of an increasingly diverse workforce.

Recommendation 101: It is recommended that guidance be provided to hiring managers on their responsibilities and the action to be taken to diversify the GECD SB workforce.

9. Vice-Principal and Principal Promotion Process

As needed, the GECD SB holds promotion processes for elementary and secondary vice-principals and principals. The process unfolds as follows:

| | |
|--|---|
| <p>Posting Issued</p> | <p>The process is initiated with the posting, which provides the schedule of dates and other relevant information about the promotion process.</p> <p>The posting is included on the GECD SB website, Apply to Education, and external sources.</p> |
| <p>Promotion Process Overview</p> | <p>Information meetings are held to provide interested individuals with information about the promotion process.</p> |
| <p>Inform Supervising Principal/Supervisor of Intent to Apply</p> | <p>Applicants are expected to inform their supervising principal of the intent to apply for promotion to ensure availability to meet with the screening committee.</p> |
| <p>Applications Due</p> | <p>Application packages include: an application form; a cover letter; detailed resume; a copy of the most recent Principal Performance Appraisal or Teacher Performance Appraisal; and a completed self-reflection based on the Ontario Leadership Framework.</p> <p>External candidates are also required to submit three letters of reference, one of which may include their supervising principal.</p> |
| <p>Screening</p> | <p>Screening is conducted by a Screening Committee, appointed by the Director of Education, which includes: the Director of Education (when possible, and for internal processes only); two superintendents; two principals from the same panel.</p> <p>The procedures requires that the panel be balanced with respect to sex.</p> <p>Prior to their review of the applications, the procedures require that an information session be held for members of the Screening Committee that covers the requirements of the Ontario <i>Human Rights Code</i>, diversity considerations, and the selection procedures.</p> |

| | |
|---|--|
| <p>Notice of Screening Results</p> | <p>Candidates are notified immediately of the results.</p> <p>Debriefing is available to any candidate who does not proceed to the interviews.</p> |
| <p>Interviews</p> | <p>The interview process includes an “in-basket” exercise immediately before an interview. The internet is not to be accessed during the exercise.</p> <p>The interview team is appointed by the Director of Education and includes two superintendents and two principals from the same panel.</p> <p>The procedures requires that the panel be balanced with respect to sex.</p> <p>Prior to the interviews, the procedures require that an information session be held for members of the Interview Committee that covers the requirements of the Ontario <i>Human Rights Code</i>, diversity considerations, and the selection procedures.</p> |
| <p>Selection Process</p> | <p>The Director’s Council meets and considers the following information to determine the candidate’s readiness to fulfill the role and be placed in the pool:</p> <ul style="list-style-type: none"> • Application package • Results of the screening process • Results of the interview and the in-basket exercise • Self-reflection form relative to the Ontario Leadership Framework, and • Other knowledge of the candidate. <p>Candidates are notified immediately about the results of the process.</p> <p>Debriefing is available to any candidate who was not successful.</p> |
| <p>Announcement of Placement in the Pool</p> | <p>Successful candidates are placed in an unranked pool of candidates and are appointed in the system as vacancies arise.</p> |

- **Equity statement:** The statement included on the posting states that the GECDSD actively encourages applications from members of groups with historical and/or current barriers to equity, including but not limited to:
 - First Nations, Métis and Inuit peoples, and all other Indigenous peoples
 - Members of groups that commonly experience discrimination due to race, ancestry, colour, religion and/or spiritual beliefs, or place of origin
 - Persons with visible and/or invisible (physical and/or mental) disabilities
 - Persons who identify as women, and
 - Persons of marginalized sexual orientations, gender identities, and gender expressions.

As noted earlier in this report, the focus should be on the groups that experience persistent and systemic discrimination in employment and that have been identified for employment equity by the federal government: Indigenous peoples from North America, racialized people, persons with disabilities, and women (with the addition of marginalized sexual orientations, gender identities, and gender expressions). A recommendation has been made earlier in this report to address this issue.

- **Accommodation statement:** The accommodation statement indicates that accommodation will be provided based on the AODA; it does not address the fact that the GECDSD must provide accommodation based on any human rights protected ground. In addition, it states that the candidate should “contact the Human Resources Department if you require assistance with any accommodations.” Instead, the statement should let candidates know that they can express their accommodation needs when contacted to schedule an interview. A recommendation has been made earlier in this report to address this issue.
- **Principal as reference:** Candidates are expected to have the support of their supervising principal, who participates in the screening process. Where the candidate’s current principal has not supervised the candidate for at least 1 year, both the current and previous (where possible) principal will be present for the screening process.
- **Self-Reflection:** Candidates are asked to use a template, and in three to four pages, provide specific examples for each of the practices and competencies of the Ontario Leadership Framework. The practices and competencies include:
 - Setting directions
 - Building relationships and developing people

- Developing the organization
- Leading instructional program
- Securing accountability
- Personal leadership resources.

The self-reflection does not encourage any reflection on equity, diversity, and inclusion, which are not included as part of the Ontario Leadership Framework.

- **Composition of the selection and interview committees:** While Human Resources receives the applications, the department is not involved with the promotion process. As such, they are not able to provide guidance to support a bias-free process that supports the advancement of candidates from diverse backgrounds. Human Resources staff, as well as the Human Rights and Equity System Advisory, should be involved with the promotion process to support a bias-free hiring process that centres equity-related competencies.
- **In-basket exercise:** This exercise was not provided for this review. In the consultations, a few employees who have participated in the promotion process shared that they experienced difficulty completing the in-basket exercise because the computer they were provided with did not have basic features such as spell check and the printer was not reliable.
- **Retention of interview notes:** We were not provided with interview notes for review because they are shredded immediately following the completion of the promotion process. All interview notes should be retained for at least 18 months should there be a human rights complaint.
- **Support for candidates from the equity-seeking groups:** The promotion journey of Board employees begins long before the promotion process. It includes principals providing teachers with opportunities for mentoring and growth as well as ongoing support. As noted in other parts of this report, employees who are Indigenous and racialized noted that they were not provided with the same opportunities as their White colleagues.
- **Feedback:** Some of those who asked for feedback noted that the feedback they received was not constructive and did not support them to do better in a subsequent promotion process.

Recommendation 102: It is recommended that the P/VP Self-Reflection exercise include reflection on the candidate’s ability to foster inclusive learning and working environments, and their understanding of their human rights obligations.

Recommendation 103: It is recommended that the Human Resources Superintendent be included on the selection and interview committee for the P/VP Promotion Process.

Recommendation 104: It is recommended that candidates be provided with appropriate tools to ensure that they are able to complete the in-basket exercise used in the P/VP Promotion Process.

Recommendation 105: It is recommended that interview notes from the P/VP Promotion Process be retained for a minimum of 18 months.

Recommendation 106: It is recommended that the Board develop a program to support the growth and advancement of Indigenous and racialized teachers.

Recommendation 107: It is recommended that the P/VP Promotion Process Interview Committee be supported to provide constructive feedback to unsuccessful participants.

PART C:

Conclusion & Next Steps

Fair and equitable hiring practices and an inclusive work environment that helps GECDSB hire from, and retain, the rich diversity of the region contributes to a vibrant and growing community. In addition, in a time of limited financial resources, fair and equitable hiring will allow the GECDSB to benefit from the creativity and innovation that a diverse workforce can offer while also becoming more responsive to students, parents, and school communities.

Most importantly, a competent and capable workforce that reflects the community is critical to support the success of students from diverse communities, backgrounds, and identities. It is also important if the GECDSB is to prepare all students to work in an increasingly diverse and globalized labour market.

This report and recommendations are aimed at embedded equity, diversity, and inclusion within the Board's human resource management practices. They reflect the consultants' own analysis and reflects the perspectives and experiences courageously shared by Board employees. While many shared positive experiences, many also shared that their identities impact their experiences working with the Board.

This ESR is an important step along the Board's employment equity, diversity, and inclusion journey. The recommendations from this report should be used to draft an employment equity plan that will identify the timing of the implementation of each recommendation, how members of the GECDSB will be involved, who will oversee these changes, and how all members of the GECDSB school community will be kept informed.

But while this is an important step, the thoughtful and well-coordinated implementation of the recommendations from this report, led by courageous leadership, is critical to making sustained change. This change is critical if the Board is to meet its obligations as an employer under the Ontario *Human Rights Code* and to support its obligations to provide equitable learning environments and opportunities to all students.

Appendix A

Policies and Documents Reviewed

Accessibility for Ontarians with Disabilities Act (AODA) Customer Service Standard Policy and Regulation

Attendance Support Administrative Procedure

Confidentiality of Medical Records Administrative Procedure

Correcting Employee Behaviour and Progressive Discipline Administrative Procedure

Disability Management Administrative Procedures

Emergency Response Administrative Procedure

Employee Absence Reporting Administrative Procedure

Employee Conflict of Interest Policy, Regulation, and Administrative Procedure

Employee Health Program Policy

Employee Standards of Conduct Policy and Regulation

Environmental Sensitivities Policy

Equity and Inclusive Education Policy and Regulation

Expenses (Staff) – Conferences, Workshops, Meetings, and Travel Policy and Administrative Procedure

Expenses (Staff) – International Travel (excluding United States) Administrative Procedure

Health and Safety, Workplace Violence, and Workplace Harassment Policy and Regulation

Human Rights Policy

Joint Employee Assistance Program Policy, Regulation, and Administrative Procedure

Mental Health and Well-being

Multi-Year Accessibility Plan (Draft 2022–2026)

Official Working Hours/Flex Time/Summer Flex Time Administrative Procedure

Performance Appraisals Regulation

Recruiting and Hiring of Supervisory Officers Policy and Regulation

Selection of Principal and Vice-Principal Policy and Administrative Procedure

Smoke-Free Learning and Working Environments Policy and Administrative Procedures

Staff Preparation for Return from Long-Term Leave of Absence Administrative Procedure

Strategic Plan

Substance Use and Misuse Policy and Regulation

Supporting Gender Equity and Inclusion Administrative Procedure

Teacher Hiring Practices Policy and Regulation

Unpaid Leave of Absence (All Employees) Administrative Procedure

Workplace Violence Prevention Management Program