



York Catholic District School Board Employment Equity Audit

January 2025

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Executive Summary

The York Catholic District School Board (YCDSB, the Board) operates 85 elementary schools and 16 secondary schools throughout the York Region's nine municipalities. It employs over 5,000 teaching, business, and operations staff to educate over 54,000 students.

The Board's 2023–2028 Multi-Year Strategic Plan includes the strategic commitments of Catholic faith, equity and inclusion, student achievement, and well-being.

Turner Consulting Group was contracted by the YCDSB to conduct this Employment Equity Audit 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
- Make recommendations to address any identified barriers and gaps

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 strives for diverse representation among its employees while embracing, valuing, and capitalizing 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 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.

Methodology for the Employment Equity Audit

This report is the product of Turner Consulting Group's review and analysis of the Board's employment policies and practices as well as employee perceptions and experiences. The audit makes 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 equity issue that arose while conducting this review, the audit was focused primarily 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 2SLGBTQ+ (referred to as “Indigenous peoples and the equity-seeking groups” in this report). 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 the community served.

The Employment Equity Audit blends the analysis of both qualitative and quantitative data collected through the following methods:

- Review of human resources policies, written procedures, and related documents
- Review of files for competitions conducted between 2022 and 2023 to assess how policies are implemented and to identify informal practices
- Eighteen consultant-led focus groups in which 55 employees participated
- An online Workplace Equity and Inclusion Survey, distributed to all employees via email, in which 808 employees participated
- One-on-one interviews with senior leaders and union representatives
- Consultant-led focus groups with Human Resources staff

In total, about 900 employees participated in these consultations, representing about 18% of the Board’s approximately 5,000 employees. This level of participation gave us sufficient data to identify workplace issues and make recommendations for change.

This Equity Audit provides a high-level perspective of the Board’s policies, practices, and organizational culture and their impact on employees. It does not assess the employment practices used by the dozens of school administrators and managers responsible for hiring and supervising staff throughout each of the Board’s workplaces.

Key Priority Areas

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

Priority 1: Diversify the workforce at all levels

Throughout the consultations, employees shared their concern that hiring and advancement at the YCDSB continues to be relationship-based rather than skill-based, which has resulted in a significant gap between the diversity of teacher workforce and the student population.

In addition, to advance efforts to diversify the workforce, those involved in the hiring process 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. They include:

- Updating the information provided to candidates on the Board's Careers webpage
- Updating the equity and accessibility statements
- Working with faculties of education to increase both the diversity of graduates and the competency of new teachers to be culturally responsive and anti-racist/anti-oppressive
- Providing hiring managers with information about what they should consider in the decision-making process to support the Board's goal of diversifying the workforce
- Conducting a Staff Census to understand the diversity of the Board's workforce and develop strategies to close any gaps in representation

Priority 2: Create a more inclusive and welcoming work environment

Many employees reported that they experience a welcoming and inclusive workplace. However, many Indigenous, racialized, disabled, and 2SLGBTQ+ employees reported that YCDSB workplaces are not always safe and welcoming environments for them. In particular, Indigenous and racialized employees spoke about facing daily experiences of inappropriate behaviours and microaggressions, which are ignored by leaders in the organization. They reported that they experience an organizational culture and individual attitudes that are not welcoming and not supportive of their hiring, advancement, and full inclusion in the workplace. Many shared experiences of isolation and marginalization in the workplace, which does not support them to thrive.

While many employees shared their perspective that the Board is at the beginning of its equity journey, several employees felt that the Board has gone too far with its EDI efforts, which has put White people, specifically White men, at a disadvantage. Some also felt that focusing on people who experience marginalization in the workplace goes against Christian values.

Many employees—both those who are 2SLGBTQ+ and their allies—shared their concern about the lack of inclusion of 2SLGBTQ+ employees. They felt that recent decisions by the trustees sent a message to 2SLGBTQ+ employees that they are not welcomed and valued. As such, many 2SLGBTQ+ employees felt that it is not safe to be open about their identities and felt that they are at greater risk of losing their jobs because of their identities.

The resistance by employees and members of the community to this work suggests the need for the Board to do more to increase the understanding of staff, change mindsets, and set clear expectations about workplace behaviours. As such, recommendations are made in the report to:

- Develop a multifaceted communications/learning plan that is updated on an ongoing basis that may include newsletters, lunch and learns, book clubs, podcasts, and other informal methods of promoting knowledge, resources, tools, and practices, etc.
- Provide training and ongoing education to all school and system leaders to address ableist attitudes so they better understand their legal obligations under the Ontario *Human Rights Code* to provide accommodation for employees with disabilities
- Provide all people leaders with mandatory training to give them the knowledge and techniques for intervening when they do witness or learn about inappropriate behaviours
- Clarify for all school leaders and educators that the adverse reporting requirement is not applicable to human rights complaints
- Compile human rights complaint data annually (by ground, violation, and disposition) so senior leadership teams can identify trends and proactive measures to address any identified issues

Priority 3: Create more equitable policies and practices

The review of employment policies and the hiring process identified several areas that must be addressed to strengthen policies and practices and to ensure compliance with the Ontario *Human Rights Code* and the *Accessibility for Ontarians with Disabilities Act*. These changes will support the YCDSB to create equitable employment policies and processes that support the hiring, advancement, and full inclusion of a qualified, diverse workforce.

Reports from employees about their experience requesting and receiving accommodation indicate that more needs to be done to ensure the Board is meeting its duty to accommodate, short of undue hardship, under the Ontario *Human Rights Code*.

As such, recommendations are made in the report to:

- Revise certain policies so they better align with the Ontario *Human Rights Code*
- Clarify with employees that 2SLGBTQ+ teachers will not be fired because they are open about their gender and sexual identities (which would violate the Ontario *Human Rights Code* and Section 15 of the *Canadian Charter of Rights and Freedoms*)
- Identify the policies needed to complete its human resource policy framework, develop these policies, and communicate them to leaders, managers/school administrators, and employees
- Educate all employees about their rights regarding workplace accommodation based on any Code-protected ground and the process of obtaining said accommodation

Priority 4: Strengthen the employment equity infrastructure

To fully operationalize its commitment to employment equity, diversity, and inclusion, the YCDSB must create the infrastructure that will embed equity within the Board's employment policies and practices and sustain ongoing training and educational opportunities. 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 YCDSB 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:

- Develop an Employment Equity Strategy with the goals of diversifying the workforce, embedding equity throughout the Board's human resource policies and practices, fostering more welcoming and inclusive work environments, and ensuring accommodation and accessibility in compliance with the Ontario *Human Rights Code*
- Share this report and the resulting Employment Equity Strategy 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 the Board's workplace EDI efforts



PART A: INTRODUCTION

1. Background

The York Catholic District School Board (YCDSB, the Board) operates 85 elementary schools and 16 secondary schools in each of the nine municipalities in York Region. It employs over 5,000 teaching, business, and operations staff to educate over 54,000 students.

As a Catholic school board, the YCDSB seeks to bring knowledge of Christ and the faith of the Church to the students and families in its care. The stated mission of the Board is:

With Jesus Christ as our model, we provide all students with a Catholic education rooted in equity, well-being and learning.

The Board's 2023–2028 Multi-Year Strategic Plan includes the strategic commitments of Catholic faith, equity and inclusion, student achievement, and well-being.

To meet its commitment to build and sustain an equitable, inclusive, and accessible learning and working environment, the YCDSB is assessing equity, diversity, and inclusion for students and staff, the results of which will guide the Board's equity plans over the coming years. This work consists of the following activities:

Student Census

The YCDSB conducts a student census every three years to collect demographic data on students' identities, experiences, and needs to inform planning, decision-making, and resource allocation. The last student census was conducted in the 2023–2024 school year.

Education Equity Audit

The results of the Student Census will be analyzed in consultation with the school community to identify whether any disparities and disproportionalities exist for

Indigenous students and students from the equity-seeking groups. This will be coupled with a review of student-focused policies to identify and remove any barriers to equitable education for all students.

Employment Equity Audit

An Employment Equity Audit is an examination of human resources policies and practices and the corporate culture through an equity lens. It will identify what more the Board can do to create a diverse workforce, create equitable employment policies and practices, foster an inclusive work environment, and ensure compliance with equity-related legislation.

This report summarizes the process and findings of the Employment Equity Audit.

2. Overview of an Employment Equity Audit

2.1 The purpose of an Employment Equity Audit

An Employment Equity Audit is a comprehensive review of formal and informal employment policies, practices, and procedures and the organizational culture and work environment. The goal is to identify and make 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 Employment Equity Audit provides an organization with insight into 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,¹ Indigenous peoples, persons with disabilities, and 2SLGBTQ+ people) face persistent and systemic barriers to gaining employment commensurate with their education, skills, and experience, as well as advancement and full inclusion in the workplace.² As such, these groups have been identified as the focus of the

¹ The term “racialized” is used throughout this report to replace the term “visible minority” (which has been 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 non-White or non-Indigenous.

² 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.

federal *Employment Equity Act*. 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 of employees, such as newcomers, those from non-Christian faith systems, and those from lower socioeconomic backgrounds, will be noted where issues have been identified. 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 improved educational outcomes and well-being 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 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. However, they may still have a negative impact on members of certain groups.

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 of these networks from hearing about, applying for, and demonstrating their competency for certain jobs. When an organization lacks diversity, staffing through personal networks can replicate this lack of diversity.
- 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 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 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. This might include 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.
- A “macho” work culture that excludes women from male-dominated occupations or positions of leadership.³

Attitudinal barriers

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

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 hired⁴
- Removing resumes or applications from individuals with “ethnic” or Indigenous-sounding names because of stereotypes about these groups⁵

³ 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>

⁴ 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>

⁵ 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

- Not hiring a candidate with a disability because of discomfort interacting with persons with disabilities or assumptions that accommodation may be too costly⁶

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

2.3 The benefits of an Employment Equity Audit

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 the creation of a diverse workforce and inclusive work environment. The literature identifies several benefits, including:

Increased student success and well-being.⁷ Research shows that a diverse workforce helps organizations understand and respond to the needs of an increasingly diverse student population in three areas:

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

⁶ 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>

⁷ 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>

A significant body of research shows that student success and outcomes such as well-being,⁸ academic achievement,⁹ attendance,¹⁰ and suspension rates¹¹ improve when students see themselves reflected in their school materials, school environments, and in school staff.

Increased diversity of the teaching profession. Having a more diverse teacher workforce will help students see teaching as a career option for them. Students who see and experience teachers from similar communities, backgrounds, and identities are more likely to consider becoming teachers themselves.¹²

Strengthened confidence in public education. Board employees that reflect, understand, and respond to the needs of students, their parents/guardians, and the community also help to improve public confidence in publicly funded education. As noted in the Ontario Ministry of Education's *Equity and Inclusive Education Strategy*, an equitable and inclusive education system is fundamental to achieving high levels of student achievement, reducing gaps in student achievement, and increasing public confidence in publicly funded education.¹³

Furthermore, an equitable and inclusive education system is recognized internationally as critical to delivering a high-quality education for all learners.¹⁴

Strengthened employee relations and confidence in the YCDSB as an employer of choice. Organizations that implement formal, transparent, and consistent non-discriminatory and inclusive human resources policies and practices strengthen employees' confidence that they are being treated in a fair and equitable manner. These practices, when coupled with a welcoming and inclusive work environment, help improve employee morale and loyalty. It also serves to reduce complaints, grievances, and turnover.

⁸ Blazer, D. (2021). Teachers of color, culturally responsive teacher, and student outcomes: Experimental evidence from the random assignment of teachers to classes. *Annenberg Brown University*. EdWorking Paper No. 21-501. <https://edworkingpapers.com/sites/default/files/ai21-501.pdf>

⁹ Goldhaber, D., Theobald, R., & Tein, C. (2019, January 21). Why we need a diverse teacher workforce. *Kappan*. <https://kappanonline.org/why-we-need-diverse-teacher-workforce-segregation-goldhaber-theobald-tien/>

¹⁰ Holt, S. & Gershenson, S. (2015). *The impact of teacher demographic representation on student attendance and suspensions*. IZA discussion paper 9554. <https://docs.iza.org/dp9554.pdf>

¹¹ Gershenson, S., Hart, C.M.D., Lindsay, C.A., Papageorge, N.W. (2017). *The long-run impacts of same-race teachers* (IZA Discussion Papers, No. 10630). Bonn: Institute of Labor Economics (IZA).

¹² Chism, D. (2022, October 1). Building a diverse teacher pipeline starts with students. *ASCD*. Vol. 80, (2). <https://ascd.org/el/articles/building-a-diverse-teacher-pipeline-starts-with-students>

¹³ Ontario Ministry of Education. (2022, June 15). *Greater equity means greater student success*. <https://www.ontario.ca/page/greater-equity-means-greater-student-success>

¹⁴ 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. https://www.ibe.unesco.org/fileadmin/user_upload/Policy_Dialogue/48th_ICE/CONFINTED_48-3_English.pdf

Improved image of the YCDSB as an employer of choice. Employers known to actively commit 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. Various reports suggest that Millennial and Gen Z professionals are avoiding organizations that lack a diverse workforce and a commitment to equity and inclusion.¹⁵

Reduced financial and legal risks. Ensuring equitable policies and practices, that are in compliance with equity-related legislation, reduces human rights complaints and grievances, which can result in costly legal battles and settlements. In addition, ensuring compliance with the Ontario *Human Rights Code* and AODA helps prevent violations that could lead to fines and reputational damage. In addition, organizations that prioritize equity in their human resource practices create a more stable and resilient business environment, which ultimately enhances their overall performance.

Improved employee job satisfaction and productivity.¹⁶ Employers that create and support a work environment in which all employees feel valued and safe from 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.¹⁷ 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.

¹⁵ Miller, J. (2021, February 18). For younger job seekers, diversity and inclusion in the workplace aren't a preference. They're a requirement. *Washington Post*. <https://www.washingtonpost.com/business/2021/02/18/millennial-genz-workplace-diversity-equity-inclusion/>

¹⁶ McKinley, M. (2023, June 8). *Embracing equality, diversity and inclusion in the workplace*. <https://www.morganmckinley.com/ca/article/embracing-equality-diversity-and-inclusion-in-workplace>

¹⁷ 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

3. Methodology

3.1 Employment Equity Audit framework

In conducting this Employment Equity Audit, the consultants relied on the Canadian Human Rights Commission's "Framework for Compliance with the Employment Equity Act," as this document outlines the legal framework and assessment factors related to an Employment Equity Audit (or Employment Systems Review as referred to by the Act) as well as the general approach to be taken by employers.¹⁸ The framework identifies the importance of reviewing 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 review includes an assessment of each policy or practice in terms of the following criteria:

- **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
- **Inclusive:** To assess whether policies and practices are inclusive toward all employees, including those who identify as Indigenous or as members of the equity-seeking groups

¹⁸ Canadian Human Rights Commission. (2002). *Employment Systems Review: Guide to the audit process*. https://publications.gc.ca/collections/collection_2007/chrc-ccdp/HR4-3-2002E.pdf

This Employment Equity Audit also explored 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.

3.2 The employment systems reviewed

The following employment systems were reviewed through this process:

- **Recruitment, hiring, and selection.** This includes outreach recruitment, job applications, notification and provision of accommodation during the hiring process, fair and consistent application of selection criteria, the interview process, and interview questions.
- **Development and advancement.** This includes access to training and development opportunities and access to informal mentoring and networking.
- **Accommodation and workplace accessibility.** This includes accommodation for persons with disabilities, religious accommodation, and family care responsibilities.
- **Organizational culture and work environment.** This includes equity policies and programs; workplace harassment, discrimination, and violence prevention policies and programs; and individual attitudes toward equity and diversity.

3.3 Data collection methods

Document review

Human resources policies, written procedures, and other related documents were reviewed to identify potential barriers in employment policies and barriers created by how managers 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. Files for competitions held between 2022 and 2023 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.

Consultations with employees

An essential component of an Employment Equity Audit 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 audit.

In total, over 900 employees participated in these consultations, representing about 18% of the Board's approximately 5,000 employees. This level of participation gave us sufficient data to identify workplace issues and make recommendations for change.

Emails were distributed to employees asking them to register directly with the consultant to participate in the focus groups. As such, employees self-selected to participate in these consultations.

The survey and focus group topics 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 potential strategies to remove these barriers.

Information from the survey, focus groups, and interviews are summarized in this report. To maintain confidentiality and protect the privacy of the employees who participated in the consultations, no names or identifying information are included. The online survey allowed employees to indicate whether the consultants have their permission to be quoted in this report. As needed, the quotes used are edited for clarity and brevity.

Consultations with staff were held through the following methods:

Workplace Equity and Inclusion Survey: The link to the online survey was distributed to all employees by email. The survey was open from May 1 to 31, 2024. Emails were sent to all employees to invite them to share their perspectives through the confidential online survey.

In total, 808 employees completed the survey by the cut-off date. Employees answered questions that used Likert scales and also shared 191 pages of comments in response to the open-ended questions posed.

Senior leaders and unions: One-on-one interviews were held with nine members of the Senior Leadership Team and four 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 55 employees participated in 18 focus groups, which were scheduled from May 21 to 31, 2024, affording various groups of employees the opportunity to provide input into this Employment Equity Audit. Focus groups were set up by identity group, with separate focus groups arranged for those who identify as Indigenous, racialized, living with a disability, 2SLGBTQ+, White women, and White men.

Human Resources staff: Small group discussions were also held with Human Resources staff to better understand their processes and procedures as well as any issues of equity that they have identified.

4. Limitations and Constraints

While we have conducted a thorough review of the YCDSB's employment systems, this review does not purport to be a comprehensive review of all the employment practices used by the dozens of school administrators and managers responsible for hiring and supervising staff throughout each of the Board's workplaces. Instead, this audit identifies corporate issues that need to be addressed to support managers and school administrators throughout the organization to foster more diverse, equitable, and inclusive workplaces for all employees. We recognize that there may be workplaces that are diverse, equitable, and inclusive. The goal is to identify and address issues so that all employees experience workplaces and work environments that allow them to thrive.



PART B: THE CONTEXT

5. The Organization

The YCDSB operates within a particular context. It is important to understand and consider this context when drawing conclusions and considering actions to address the issues identified in this review.

The YCDSB serves over 54,000 students in rural, suburban, and urban communities in each of York Region's nine municipalities. The Board operates 86 elementary schools and 17 secondary schools, employing approximately 5,000 teaching, business, and operations staff.

The majority of YCDSB employees are represented by a union, federation, or association. Each collective agreement sets out hiring procedures and terms of employment for that particular group of employees.

6. The Students

The YCDSB recently completed a Student Census at the end of the 2023–2024 school year. As the findings are not yet available, we can look to the previous census conducted in 2021 for an indication of diversity amongst the Board's students. This data shows:

- Approximately 1% of students identified as First Nations, Métis, or Inuit.
- About 50% of students are racialized, including 16% who identified as East Asian, 9% as Southeast Asian, 6% as South Asian, 6% as Latinx, 6% as Middle Eastern, and 5% as Black.
- About 1% of students identified as gender diverse.
- Four per cent of students identified as living with a disability.

7. Ontario's Education Equity Action Plan

In September 2017, the Ministry of Education launched *Ontario's Education Equity Action Plan*¹⁹ to comprehensively address systemic barriers in Ontario's education system. The action plan, which is being implemented by the Education Equity Secretariat in partnership with school boards and education partners, addresses inequities in four areas: school and classroom practices; leadership, governance, and human resources practices; data collection, integration, and reporting; and organizational culture change.

8. YCDSB Workplace Equity Initiatives

This Employment Equity Audit is meant to supplement and inform the other workplace equity initiatives that the Board has underway. While the Board has various equity initiatives underway, these mostly focus on the delivery of service to a diverse student population. Listed below are the workplace equity initiatives currently underway.

- A review of Teacher Performance Appraisal to evaluate current practices through an equity lens is underway.
- Equity-Seeking Leadership will include workshops aimed at identifying and dismantling barriers to opportunities for staff from the equity-seeking groups.
- An Employee Resource Group (ERG) has been established for Black employees. ERGs are currently being established for other groups of employees.
- The Human Rights and Equity Advisor addresses human rights and equity complaints received through the HREA Complaint Portal and advises YCDSB staff on matters of human rights and equity and education.
- The Remote Work Committee is reviewing the Remote Work Policy.

¹⁹ Ministry of Education. (2017). *Ontario's education equity action plan*. <https://www.ontario.ca/page/ontarios-education-equity-action-plan>



PART C: FINDINGS & RECOMMENDATIONS

9. Review of Human Resource Policies, Procedures, and Documents

This section summarizes our review of YCDSB's human resource policies, procedures, and related documents. It includes a summary of the document reviewed and identifies issues and areas of concern, if any. We then make recommendations to strengthen the policy, procedure, or document so that it will comply with equity-related legislation, meet the organization's duty of care as an employer, and advance workplace equity, diversity, and inclusion.

At the end of this section, we also address overarching concerns and identify any gaps in the organization's policy framework.

The list of documents, policies, and procedures reviewed is included in Appendix A.

Guiding Documents

Multi-Year Strategic Plan

The YCDSB's Multi-Year Strategic Plan sets priorities for the Board for 2023 to 2028 and defines the Board's mission, vision, values, and strategic commitments.

The Board's mission is to reflect the teachings of Jesus Christ and provide a Catholic education to students in a manner that prioritizes equity, well-being, and learning. The YCDSB's vision is to be a recognized leader in Catholic education and to develop socially responsible global citizens. These are to be achieved through the values

of Catholicity, equity, diversity, inclusion, excellence, fiscal responsibility, integrity, and respect.

The Board's strategic commitments related to the workplace include:

- Building and sustaining an equitable, inclusive, and accessible learning and working environment (which includes recognizing, valuing, integrating and celebrating the dignity and diversity of all students, staff, and Catholic school communities, and identifying and eliminating barriers to equity of access, opportunity and outcomes for all)
- Promoting and nurturing the social-emotional, spiritual, and physical well-being of all members of the YCDSB (which includes providing equitable access to evidence-based, culturally-responsive services and resources for all, and supporting ongoing individualized accommodations that support staff to perceive that their working conditions and environments are healthy, safe, and inclusive)

While the Multi-Year Strategic Plan has a strong commitment to workplace equity, diversity, and inclusion, the next strategic plan could be strengthened by:

- Adding the concept of "diversity" to the "Equity and Inclusion" strategic commitment since it has been named as a value
- Making an explicit statement of support under the "Equity and Inclusion" strategic commitment to upholding the human rights of all employees

Recommendation 1: It is recommended that the YCDSB's next Multi-Year Strategic Plan incorporate diversity and human rights within the strategic commitment of "Equity and Inclusion."

Equity and Inclusive Education Policy

This policy recognizes the uniqueness of each person and that we are all created by God and possess an intrinsic dignity that must always be respected. This policy focuses on the partnership of the home, Church, and Board to develop the character of students through teaching Gospel values and preparing students to be engaged, productive, and responsible global citizens.

This policy provides direction and guidance with respect to the implementation of Ontario's Equity and Inclusive Education Strategy and the effective oversight of policies, programs, procedures, and practices. The Strategy provides a foundation and framework to meet individual needs, identify and eliminate barriers, promote a sense of belonging, engage community members, build on and enhance previous

and existing initiatives, and incorporate the principles of equity and inclusion in the YCDSB's actions.

One of the main commitments of this policy is that every person in the YCDSB is entitled to a respectful, positive, and Christ-centred learning and working environment, free from all forms of discrimination and harassment. The policy also mentions that YCDSB staff will be provided with professional learning opportunities to acquire the knowledge, skills, attitudes, and behaviours needed to identify and eliminate discriminatory biases and systemic barriers under the Ontario *Human Rights Code*. The policy states that all members of the school community must respect and treat others fairly regardless of the Code-protected grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, and disability. However, it does not list the Code-protected ground of record of offences.

The policy states that all claims of discrimination will be investigated. This policy also allows for religious accommodation to be provided to staff, students, and families. There is also an appropriate focus on barrier removal.

The policy commits the Board to reporting on its goals and progress and the implementation of *Ontario's Equity and Inclusive Education Strategy*. The policy also specifies the responsibilities of those in various roles to implement the policy.

While the policy provides a strong overall foundation, it could be strengthened by:

- Explicitly stating that complaints of harassment, along with complaints of discrimination, will be investigated
- Specifying the responsibilities of school administrators and managers to ensure that accommodations for staff are provided in accordance with the Code and the Accessibility for Ontarians with Disabilities Act (AODA)

Recommendation 2: It is recommended that the Equity and Inclusive Education Policy be updated to explicitly state a commitment to investigating complaints of harassment, adding record of offenses to the list of Code-protected grounds, and specifying the responsibilities of school administrators and managers to provide accommodations for staff.

Meta Policy: Policy Management and Governance

This policy is designed to ensure a consistent, efficient, transparent, and supportive system of governance and policy management. It ensures that the Board's policies, procedures, and practices are developed, understood, implemented, and continually evaluated to ensure fair and equitable educational, social, and

employment opportunities, and to promote the organization's commitments to public accountability.

The policy guides the development, review, revision, and implementation of all policies, guidelines, and procedures consistent with the values of the Board as well as applicable legislation, including the *Education Act*, *Ontario Human Rights Code*, *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, and *Occupational Health and Safety Act (OHSA)*.

The policy states that all policies, guidelines, and procedures are required to comply with the principles of human rights, equity, and inclusive education. To this end, the policy includes a *Toolkit for Human Rights and Equity Analysis and Decision-Making*, which is to be applied to the review and development of all policies, guidelines, and procedures. The *Toolkit for Human Rights and Equity Analysis and Decision-Making* is a proactive way of assessing the impact and mitigating any potential risks of a given policy, guideline, or procedure on marginalized and equity-seeking groups.

The toolkit helps one identify their own inherent biases using a set of reflective questions and processes that focus on supporting an overall openness to diverse perspectives. This toolkit promotes standardization of all decision-making documents across the organization, while developing organizational capacity. The consistent application of this toolkit assists in the cultivation and ongoing positive relationship-building with internal and external stakeholders.

The toolkit requires the following to be conducted when developing policies, procedures, and guidelines:

- Clarification of the objective (e.g., issue identification, research data, additional information/research, gaps to be reviewed and addressed, sharing of data and resources with stakeholders, committee/working group involvement, and interest group outreach)
- Consultation with internal and external stakeholders (including identifying and removing barriers to engagement)
- Ensuring the use of inclusive and gender-neutral language that would acknowledge diversity, convey respect for all people, ensure sensitivity to differences, promote equitable opportunities, ensure clarity and easy to understand language, and ensure accessibility for the intended audience of all stakeholders

This policy is comprehensive and is an effective way to ensure that human rights, equity, and inclusion are factored into and embedded within policies, guidelines, and procedures. The toolkit is well-developed and helps those establishing these

frameworks understand and articulate the equity impacts of ideas and decisions on diverse communities.

The Meta Policy: Policy Management and Governance Policy can be strengthened by addressing the following:

- Alongside the other relevant pieces of legislation that are quoted, the *Accessibility for Ontarians with Disabilities Act* should also be referenced as a requirement for all policies, guidelines, and procedures to abide by.
- Record of offences should be included in the list of Code-protected grounds.
- In the toolkit, the following should be explicitly required: consultation with Indigenous and equity-seeking communities, the identification and addressing of barriers to engagement that these groups may experience, and examination of the impact of the proposed policy, guideline, or procedure on these groups.

Recommendation 3: It is recommended that the Meta Policy: Policy Management and Governance Policy be updated to reference the need to comply with the AODA, include record of offences as a Code-protected ground, and specifically ask questions related to engagement with and the impact of the policy, guideline, or procedure on Indigenous and equity-seeking communities.

Statement of Compliance

The short Statement of Compliance is displayed on the YCDSB's Board Policies and Procedures page and states that the Board is committed to reflecting the principles of "equity and inclusive education, consistent with [its] Catholic social teachings that value and promotes human rights and social justice, in all Board policies, programs, guidelines, operations, practices and Board improvement plans."

While it is positive to see that the Statement of Compliance highlights principles such as equity, inclusion, human rights, and social justice at the forefront of its work, it would be strengthened by adding an explicit focus on Indigenous inclusion and/or Truth and Reconciliation.

Recommendation 4: It is recommended that the Statement of Compliance be updated to specifically include Indigenous peoples by adding a commitment to Indigenous inclusion and/or Truth and Reconciliation.

Hiring and Promotion

Education Workers – Recruitment and Promotion; Teacher Recruitment and Selection; Appointments to Supervisory Officer Positions; Appointments to Academic Positions of Responsibility; Appointments to Principal and Vice-Principal Positions

These policies set out parameters for the recruitment and promotion of employees in various employee groups in an equitable and bias-free manner. They articulate the Board's commitment to equal opportunity and creating a culture of inclusiveness that reflects the diverse communities it serves.

These policies include:

- The requirement that all staff participating in the selection process disclose any real or perceived conflicts of interest resulting from a familial, intimate, or financial relationship with a candidate
- A commitment to advertise vacancies in ethnic and alternative media to promote applications from diverse candidates
- The requirement that job ads include an accommodation and equity statement
- A commitment to hiring the candidate who self-identifies as a member of a historically underrepresented group, when two or more candidates have been deemed to be relatively equally qualified by the hiring panel
- Providing candidates with a means of self-identification as part of the hiring process
- The requirement that no employee in a leadership or management position influence the recruitment or promotion process by providing unsolicited recommendations of candidates

The Teacher Recruitment and Selection Policy clearly states that preferential consideration will be given to applicants who adhere to the Roman Catholic religion as per separate school rights under the Ontario *Human Rights Code*. For leadership positions, the required competencies include dedication to Catholic education and advancing human rights and equity in schools and in the community. This policy also includes a commitment to regularly monitoring the hiring process stages to ensure that systemic barriers are not being created for applicants from underrepresented backgrounds and evaluating to ensure that best practices in human resources, human rights, and applicable laws are being followed. A similar commitment is not included in other policies. In addition, the policies do not specify which groups have been identified as underrepresented. It might be beneficial to replace the term "underrepresented group" with "equity-seeking group" and add also that these groups (including Indigenous peoples, persons with disabilities, racialized people,

Black people, 2SLGBTQ+ people, and women) experience persistent and systemic discrimination in employment and have therefore been identified for employment equity by the federal government.

The Appointments to Supervisory Officer Positions Policy and the Appointments to Principal and Vice-Principal Positions Policy includes the requirement for interview panels to be racially diverse and include a person of "each gender." Referencing "each gender" reinforces a gender binary and is not inclusive of people of other genders or those who are non-binary.

While the policies provide good guidance for conducting bias-free hiring and fostering a more diverse workforce, they are not consistent in their requirements, including:

- Several (but not all) of the policies stipulate that anti-racism and bias-free interview training be offered to new supervisory employees who are involved in the interview process. This training is to be given every two years for employees that continue to be involved in interview processes.
- Not all of the policies state the requirements under the AODA to provide accommodation during the recruitment and selection process and that the need for accommodation will not be considered when making the hiring decision.
- Not all of the policies include a commitment to reviewing and monitoring the stages of the hiring process to ensure that systemic barriers are not being created for applicants from underrepresented backgrounds
- There should be a commitment to including visible diversity on the interview panels, where feasible.

In addition, all of the policies would be strengthened by:

- Changing references from "underrepresented groups" to "equity-seeking groups" and specifying that these groups experience persistent and systemic discrimination in employment and have therefore been identified for employment equity by the federal government. The policies should specify that these groups include Indigenous peoples, persons with disabilities, racialized people, Black people, 2SLGBTQ+ people, and women.
- Allow for equivalent education, training, and experience to be considered (where specific education is not required by legislation or operational needs) and ensure that the hiring manager and Human Resources would identify what these equivalencies are before the job is posted.

Recommendation 5: It is recommended that the Education Workers – Recruitment and Promotion Policy, Teacher Recruitment and Selection Policy, Appointments to Supervisory Officer Positions Policy, Appointments to Academic Positions of Responsibility Policy, and the Appointments to Principal and Vice-Principal Positions Policy be revised to address the identified issues.

Principals' and Vice-Principals' Transfers Procedure

This procedure relates to the process for transferring principals and vice-principals. It commits the Board to a process that is consistent with the *Education Act*, the Ontario *Human Rights Code*, and other legislation and employment terms and conditions. The process aims to transfer principals and vice-principals who possess the required leadership and managerial skills that best serve the interests of each unique school community.

Among the many considerations in this process are system needs, which must be taken into account and which include looking at community profiles, demographics, the promotion of human rights and equity, and achieving a diverse and representative workforce among other things.

The procedure does not consider the need for transfers as an accommodation and the need for these requests to be prioritized. For example, a principal who is no longer able to drive long distances because of a disability may have the need to be placed at a school closer to their home.

Recommendation 6: It is recommended that the Principals' and Vice-Principals' Transfer Procedures be updated to specify that transfers may be a form of accommodation and that these requests will be prioritized to allow for accommodation to occur in a timely manner.

Police Records Checks Policy - Board Employees

This policy ensures that the YCDSB provides a safe and secure learning and working environment for students and staff by conducting a police records check. The policy states:

It is the policy of the York Catholic District School Board to not employ or continue to employ persons who have a criminal and police record which may place any student(s) at risk as a result of their direct and regular contact.

New employees are required to provide, at their own expense, an original copy of their Vulnerable Sector Check or Enhanced Police Information Check, completed

within six months, prior to starting employment with the Board. Existing employees shall submit annually by September 1 an updated Offence Declaration. Employees who fail to meet this requirement may be subject to removal from their assignment and disciplinary action.

The policy states that where evidence is received of a police record, the Superintendent of Human Resources shall consider the circumstances surrounding the record when determining an appropriate course of action (e.g., disciplinary action up to and including dismissal and/or withdrawal of the employment offer) and will be in compliance with other Board policies, collective agreements, terms and conditions of employment, and legislation.

While this policy is good overall, it could be strengthened by providing specifics about what the Superintendent of Human Resources will consider should the employee have a criminal record. It could specify that the following five factors will be considered to determine an appropriate course of action:

- Nature of the conviction (e.g., convictions of crime related to conduct contrary to community standards of justice, honesty, or good morals)
- Relevance of conviction to bona fide job requirements
- Date of the conviction
- Rehabilitation efforts
- Potential risk to organization/sector

It is important that these factors be considered so that it does not create barriers to employment for candidates who are more likely to have a criminal record due to over-policing and racial profiling, including Black people, Indigenous peoples, trans people, and others. In addition, the policy should specify that police records checks will remain confidential.

Job candidates should be informed that a police record does not preclude them from employment with the YCDSB. They should also be told what factors will be considered to determine their suitability for employment.

Recommendation 7: It is recommended that the Police Records Check Policy be revised to specify the factors that will be considered to determine an appropriate course of action should the candidate have a criminal record, that the information will be kept confidential, and how the information will be maintained securely.

Recommendation 8: It is recommended that the Board's website be used to inform candidates that a police record does not preclude them from employment and that various factors will be considered to determine their suitability for employment.

Respectful Workplace

Code of Conduct Policy

This policy affirms the Board's commitment and responsibility, consistent with Ministry of Education expectations, to foster a safe learning and working environment for all students, parents/guardians, and staff. This policy is guided by values such as respect for oneself and others, contributing to the common good, accepting accountability and responsibility for one's own actions, seeking and granting forgiveness, acting morally and legally with Catholic values, and the promotion of self-discipline. The policy sets out expectations of conduct for all members of the York Catholic school community.

In the consultations, 2SLGBTQ+ employees and their allies expressed fear that the Code of Conduct's requirement that employees act "morally and legally with Catholic values" could lead to their dismissal. The feeling is that if these employees are open about their gender and sexual identities, they could be fired. However, using Catholic doctrine to fire 2SLGBTQ+ teachers violates the Ontario *Human Rights Code* and Section 15 of the *Canadian Charter of Rights and Freedoms*.²⁰

The Code of Conduct could be strengthened by:

- Specifying that superintendents, principals, and managers should lead by example and have the responsibility to interrupt and address inappropriate behaviours when they witness or become aware of them
- Including record of offences as a Code-protected ground

Recommendation 9: It is recommended that the Code of Conduct Policy be updated to specify that superintendents, principals, and managers should lead by example with respect to their own behaviours and should have the obligation to interrupt and address inappropriate behaviours when they witness or become aware of them. Record of offences should also be added in the list of Code-protected grounds.

²⁰ Callaghan, T.D. (2019, January 21). Homophobia in the hallways: LGBTQ people at risk in Catholic schools. *The Conversation*. https://www.bchumanist.ca/homophobia_in_the_hallways_lgbtq_people_at_risk_in_catholic_schools

Recommendation 10: It is recommended that the Board clarify with employees that 2SLGBTQ+ teachers will not be fired because they are open about their gender and sexual identities as that would violate the *Ontario Human Rights Code* and Section 15 of the *Canadian Charter of Rights and Freedoms*.²¹

Workplace Harassment Policy

This policy was reviewed to assess whether it is consistent with the Ontario Human Rights Commission's guidance on developing anti-harassment and anti-discrimination policies.²²

YCDSB's Workplace Harassment Policy includes the following:

- A statement of commitment to ensuring a respectful work and learning environment free from harassment or abuse
- Definitions of harassment, workplace harassment, workplace sexual harassment, poisoned work environment, reprisals, interference, and false/frivolous or vexatious complaints
- Examples of what does and does not constitute harassment
- A statement clarifying that protections extend beyond the Code-protected grounds to include association or relationship with a person protected by the Code and perception that one of the grounds applies
- A broad definition of workplace that includes physical workplaces, electronic venues, activities outside of Board premises where work-related activities are occurring, and situations in other locations where workplace harassment may have an impact on working relationships, performance, or environment
- The roles/responsibilities of trustees, the Director of Education, superintendents, managers/supervisors, school administrators, and employees and a section that addresses records management, confidentiality, and timelines for submitting and investigating a complaint
- The rights and responsibilities of the complainant and respondent
- The requirement that all workers be provided with information and instruction on this policy and its procedures
- Requirements that this policy be reviewed annually

²¹ Callaghan, T.D. (2019, January 21). Homophobia in the hallways: LGBTQ people at risk in Catholic schools. *The Conversation*. https://www.bchumanist.ca/homophobia_in_the_hallways_lgbtq_people_at_risk_in_catholic_schools

²² Ontario Human Rights Commission. *A policy primer: Guide to developing human rights policies and procedures*. <https://www.ohrc.on.ca/en/policy-primer-guide-developing-human-rights-policies-and-procedures/5-anti-harassment-and-anti-discrimination-policies>

The policy could be strengthened and better aligned with guidance from the Ontario Human Rights Commission by doing the following:

- Ensuring that the policy also applies to discrimination, not only harassment
- Listing the Code-protected grounds
- Specifying that the policy applies to discrimination and harassment by or against employees
- Including definitions of discrimination, condonation, and failure to accommodate and stating that these constitute violations of this policy
- Expanding the definition of workplace sexual harassment to specifically include unwelcomed sexual comments or conduct
- Ensuring that the definition of workplace harassment is consistent with the definition included in the *Occupational Health and Safety Act*
- Specifying that this policy applies to all employees whether permanent, occasional, or casual, including volunteers
- Specifying that all leaders are responsible for leading by example, modelling the behaviours expected of employees, and knowing what is happening in the workplace
- Specifying that an external third party may be required to conduct the investigation when the situation is complex
- Clearly delineating the options for resolving issues of discrimination and harassment, including 1) speaking with the person if it is safe to do so; 2) seeking the support of Human Resources or a manager to speak with the alleged harasser; 3) making a formal complaint; 4) and seeking remedies outside of the organization, including making a complaint with the Human Rights Tribunal or contacting the police, as appropriate
- Ensuring that not only investigators have the requisite human rights training, but also that those responsible for making decisions related to the implementation of this policy have this training
- Specifying that supervisors/managers and school administrators have a responsibility to restore positive working relationships following a complaint of discrimination or harassment
- Addressing conflict of interest with respect to the investigation process
- Specifying that some incidents involving violence or threats of violence (e.g., assault, sexual assault, criminal harassment, stalking, uttering threats, etc.) may fall within the scope of the Criminal Code and necessitate police involvement

- Specifying the options that complainants and respondents have should they be unhappy with the outcome of the investigation, including making a complaint with the Human Rights Tribunal of Ontario
- Requiring that a report be compiled annually for the leadership team on the number and type of complaints and any trends and systemic issues that need to be addressed proactively
- Extending the six-month timeframe to file a complaint after the occurrence of the last incident to 12 months instead as this is the best practice with respect to discrimination and harassment complaint timelines and takes into consideration the complexities and barriers to filing complaints

Recommendation 11: It is recommended that the Workplace Harassment Policy be revised to address the identified issues.

Workplace Harassment Procedure

These procedures complement the Workplace Harassment Policy and outline the process for filing a complaint, screening of and acknowledgement of complaints, interim measures, investigation steps, decisions made in relation to investigation results, repairing the impact of discrimination and harassment, and monitoring the outcome of the complaint. This is accompanied by a Workplace Harassment Process flowchart that explains the process.

The procedures could be improved by doing the following:

- Allowing for mediation/informal resolution and an appeal process
- Providing guidance on the process for determining which complaints are appropriate to refer to mediation (e.g., where there is mutual consent, etc.) and which are not (e.g., where there is a significant power imbalance, serious complaints of harassment, etc.)
- Providing details on procedural fairness (including due process, impartial and trained investigator, elimination of conflicts of interest, etc.) and specifying that the standard of proof for investigations is the balance of probabilities
- Stating that efforts should be made to resolve the concern at the earliest possible stage in a collaborative and respectful manner, if the person feels safe to do so
- Stating that employees have the right to representation and support during investigations (e.g., from a family member, friend, translator/interpreter, counsellor, lawyer at their own expense, etc.)

- Removing all references to the School Superintendent, Superintendent of Human Resources, or the Board of Trustees making a determination as to whether the discrimination or harassment occurred. This is the responsibility of the investigator, and it compromises the investigator's independence and integrity to have it be otherwise.
- Having a simple and accessible discrimination and harassment complaint form that complainants can fill out should they choose to, adding a section to identify any Code-protected grounds, and adding an optional field for preferred name and gender pronouns. This provides a consistent and standardized way of documenting the complaint.
- Stating that complaints will be addressed regardless of which form they were made using, including verbal complaints
- Having a written confidentiality statement that all parties to an investigation sign to ensure that breaches of confidentiality can be addressed

Recommendation 12: It is recommended that the Workplace Harassment Procedures be revised to address the issues identified.

Workplace Violence Policy

This policy states that YCDSB does not tolerate violence or unacceptable behaviour in the workplace by or against employees and that it will discipline the employee responsible for workplace violence, up to and including dismissal from employment.

As part of this policy, the YCDSB has established a workplace violence prevention program. This program takes every reasonable precaution under the circumstances to reduce the risk of violence in the workplace. This includes workplace violence risk assessment, procedures to control the risks, assistance available in relation to workplace violence, reporting mechanisms, incident investigations, training and education, alerts about a person with a history of violence, and assessment of the risk of domestic violence reasonably entering the workplace. All employees are expected to participate in annual workplace violence prevention training.

The Workplace Violence Policy provides a good overview of the YCDSB's responsibilities in providing a violence-free workplace and taking the reasonable precautions. The policy could be strengthened by addressing the following:

- Adding as another objective of the policy the recognition of the signs of workplace and domestic violence, and the protection of employees if this occurs in the workplace
- Expanding on the definition of workplace and noting that it incorporates both in-person and online interactions including those by telephone, email, and virtually

- Specifying that condonation by management, reprisals, and complaints found to be vexatious, frivolous, or made in bad faith may result in disciplinary action
- Providing examples of workplace violence, harassment, and risks for workplace violence, such as direct contact with students, handling cash, working with unstable or volatile individuals, working alone or in small numbers, working in a community-based setting, etc.
- Highlighting that some employees may be more vulnerable to violence than others (e.g., women, youth, seniors, persons with disabilities, racialized people, persons that are a target of a hate crime, etc.)
- Specifying that incidents involving workplace violence or threats of workplace violence (e.g., assault, sexual assault, criminal harassment, stalking, uttering threats, etc.) may fall within the scope of the Criminal Code and necessitate police involvement
- Delineating roles and responsibilities of the Joint Health and Safety Committee and unions in preventing and addressing workplace violence
- Providing for the monitoring and evaluation of the application of the policy to inform its monitoring and review, including the collection and analysis of employee comments, feedback from managers, and information collected through exit interviews
- Requiring that a report be compiled annually for the leadership team summarizing the number and type of complaints and identifying any trends and systemic issues that need to be addressed proactively

Recommendation 13: It is recommended that the Workplace Violence Policy be revised to address the issues identified.

Workplace Violence Procedure

This procedure states that the YCDSB is committed to establishing policies and procedures that help minimize and prevent violence in the workplace to foster the safety and security of employees. The procedure outlines the process for workplace violence risk assessment, summoning immediate assistance from available staff, and reporting and investigating incidents of workplace violence. It also addresses domestic violence, work refusals, training and education, and providing information on persons with a history of violence where reasonable under the circumstances. This is accompanied by a Workplace Violence Incident Reporting flowchart that explains the process.

The policy allows for employees affected by workplace violence to be offered Employee and Family Assistance Program (EFAP) resources to ensure access to mental wellness and other support services as required.

The Workplace Violence Procedure provides solid information on the various procedural steps associated with workplace violence risk assessment, reporting, and resolution. However, there are several areas of improvement that can be made, including:

- Specifying measures and procedures to recognize and assess workplace violence risks
- Providing examples of the signs and risks of workplace violence and domestic violence
- Adding appeal procedures and ensuring there are elements of procedural fairness (e.g., due process, impartial trained investigator, elimination of conflicts of interest, etc.) and a standard of proof (balance of probabilities) for investigations
- Providing clarity on any time limitations for filing a report and timelines for resolution of incidents
- Specifying that respondents to a complaint are entitled to due process, including knowing that they are the subject of a complaint, who the complainant is, what the allegations are, and being able to fully respond to the allegations
- Stating that all parties have the right to identify witnesses to the incidents being investigated
- Allowing for complaints to be made and received verbally given that the Board has an obligation to look into all complaints regardless of if they are verbal or written
- Including provisions that address the right to representation and support during investigations (e.g., family member, friend, translator, interpreter, counsellor, lawyer at their own expense, etc.)
- Emphasizing the importance of safeguarding the privacy and confidentiality of information related to incidents and complaints of workplace violence, especially domestic violence, and only disclosing the information on a "need to know basis," for the purposes of investigation, to ensure procedural fairness, as required by law, and/or for health and safety purposes
- Having provisions on the prohibition of and protection from reprisal against an individual for filing a complaint, being named in a complaint, or participating in an investigation
- Specifying measures and procedures to monitor and evaluate workplace violence risks
- Providing a workplace violence incident reporting form

- Providing a workplace violence assessment form, action plan form, safety plan form, and emergency response form for management
- Having a simple and accessible complaint form that complainants can fill out should they choose to, adding a section to identify any Code-protected grounds that are involved, and adding an optional field for preferred name and gender pronouns to provide a consistent, standardized way of documenting the complaint
- Specifying the responsibility of supervisors/managers and school administrators to restore a positive working environment following an investigation

Recommendation 14: It is recommended that the Workplace Violence Procedures be revised to address the issues identified.

Disposition of Complaints Against Employees Policy and Procedure

This policy supports the resolution of complaints against an employee in a climate of openness, tolerance, and trust. It also supports the timely resolution of complaints in a manner consistent with the Board's mission, vision, and core values.

The policy and procedure:

- Encourages early and informal resolution at the local level by the parties most directly involved
- Allows for an appeal to the Director of Education for the resolution of the complaint
- Allows all parties to seek advice or representation from their union or legal counsel
- Provides timelines for acknowledging and resolving the complaint

The policy and procedure could be strengthened by:

- Recognizing that for several reasons the person experiencing the inappropriate behaviours may not wish to, or feel safe to, deal directly with the other employee. Complainants therefore have a right to go to their immediate supervisor or make a formal complaint without first having sought resolution of the complaint with the employee.
- Specifying that the respondent to a complaint has the right to due process, including:
 - Being treated with fairness, dignity, and respect during the investigation process
 - Being presumed to have not violated this policy until a fair investigation is completed

- Having the process explained to them in an accessible manner, including the possible outcomes and punishments
 - Knowing what the allegations are, including what behaviours are alleged, when they are alleged to have occurred, and who made the allegations
 - Sharing their side of the story and identify witnesses or provide information to support their version of events
- Providing details of the complaint resolution process (e.g., mediation, investigation, etc.)
 - Providing guidance on the process for determining which complaints are appropriate to refer to alternative complaint resolution methods like mediation (e.g., where there is mutual consent, etc.) and which are not (e.g., where there is a significant power imbalance, serious complaints of sexual harassment, etc.)
 - Having an official confidentiality statement that all parties to the complaint resolution process must sign in order to ensure that breaches of confidentiality can be addressed

In addition, the policy states that “anonymous complaints received by administrative staff, excluding those which it is believed refer to an illegal, abusive or protection matter, will be destroyed by the recipient.” During the focus groups, this was raised as a concern. Some staff shared that this part of the policy has allowed for anonymous complaints regarding serious behaviours in learning and working environments to be ignored. The YCDSB online website Report It is used by the Board to allow students to make non-emergency reports to their school principal of inappropriate student behaviour. However, staff and parents/caregivers are not able to make anonymous complaints. The Report It website states, “Adults wishing to make a report must do so directly to the school principal or vice principal.”²³ There may be complaints of acts of interpersonal harassment that cannot be investigated without the complainant identifying themselves. However, there may be complaints of inappropriate behaviours that occurred in a group setting, which can be investigated despite being reported anonymously. This policy and procedure can allow for this.

Recommendation 15: It is recommended that the Disposition of Complaints Against Employees Policy be updated to address the identified issues.

²³ <https://www.ycdsb.ca/report-it/>

Progressive Discipline of Employees Policy and Procedure

This policy emphasizes the YCDSB's priority to provide the best possible educational environment that supports achievement for all students. It requires the Board's employees to conduct themselves appropriately and in a professional manner in its workplaces and in accordance with all policies and procedures of the Board. It states that employees who engage in inappropriate conduct or whose behaviour conflicts with expected and communicated performance and conduct standards, Board policy, or the teachings of the Roman Catholic faith will be subject to appropriate discipline up to and including termination.

The policy commits to progressive discipline with the objective of assisting employees in understanding that inappropriate conduct or behavioural problems exist. The policy also aims to provide an opportunity for improvement. The Board commits to progressive discipline in a manner that is fair and consistently applied to all employees, that is supportive, and that treats employees with dignity and respect. It states that disciplinary action shall be based on the severity, frequency, recurrence, or other circumstance of the inappropriate conduct and as warranted by the situation. The progressive discipline imposed, ranging from a verbal reprimand to termination, will depend on the nature of the wrongdoing. The progressive discipline process is described in the procedure.

The policy is qualified by stating that employees who behave inappropriately due to a physical or mental disability, such as substance abuse, will not be subject to progressive discipline. It states that these matters will be addressed through disability management in accordance with the Ontario *Human Rights Code* and/or the Ontario *College of Teachers' Act*.

The policy states that the Board has the authority to impose discipline, including termination, for a single act or action in circumstances where the behaviour is serious willful misconduct, is a breach of the employee's duties to the Board and/or to their profession, and/or places the Board in a position of liability/risk.

The policy has the standard elements of a progressive discipline policy. Its emphasis on employees having to observe and comply with the teachings of the Roman Catholic Church and to be good examples of conduct are reasonable given the nature of a Catholic public school board. However, several employees who participated in the focus groups shared their fear of disclosing their gender or sexual identity because they feel that doing so could result in termination under this policy. As noted previously in this report, using Catholic doctrine to fire 2SLGBTQ+ teachers violates the Ontario *Human Rights Code* and Section 15 of the *Canadian Charter of Rights and Freedoms*.

In addition, given that the Board hires staff who are not Catholic, it is concerning that this policy expects them to "observe and comply with the teachings of the Roman Catholic Church." It is unclear how intrusive the Board will be into an employee's

personal life and how this might impact employees who are 2SLGBTQ+, living common-law, and those who are non-Catholic.

The policy could be strengthened by including a commitment to ensuring that progressive discipline is not administered towards employees in a way that is discriminatory or based on bias, prejudice, or stereotypes. Historically, individuals from equity-seeking groups such as Indigenous, Black, racialized, diverse faith communities, women, newcomers, 2SLGBTQ+ communities, etc. have their behaviours more closely scrutinized and are therefore more subject to discipline. The procedure could share clear information about the investigation process and what the individual procedural steps are, the due process rights of parties involved, and elements of procedural fairness (e.g., providing notice of allegations, opportunity to respond, maintenance of confidentiality, appeal rights, etc.).

Recommendation 16: It is recommended that the Progressive Discipline of Employees Policy and Procedure be updated to commit to ensuring the application of the policy in a way that is non-discriminatory and providing additional information about the investigation process.

Health and Safety

Occupational Health and Safety Policy

This policy is designed to promote a healthy and safe working environment for all employees consistent with the requirements of the *Occupational Health and Safety Act*. It articulates the responsibilities of system school leaders, employees, the Joint Health and Safety Committee, Certified Worker Members, and Designated Workers with respect to this policy and the Act.

No issues were identified with this policy.

Cannabis, Electronic Cigarettes, Tobacco – A Smoke-Free Environment Policy

This policy commits the Board to providing and maintaining learning and working environments that safeguard the health and welfare of students, employees, visitors, and stakeholders by providing environments free from cannabis, electronic cigarettes, and tobacco products.

The policy allows for accommodation for employee use of medically prescribed cannabis. It also provides an exception for the traditional use of tobacco that forms part of Indigenous cultures and spirituality. While the policy specifies that the Superintendent of Human Resources is to ensure all accommodation requests for the use of medically prescribed cannabis are reviewed in accordance with Board policy, it does not specify the process for making and approving requests for the use of

tobacco by Indigenous peoples. If there is no requirement for this use to be approved, the policy should state this.

The policy does not specify that dependence on cannabis, electronic cigarettes, and tobacco is considered by the Ontario Human Rights Commission to be a disability, and that assistance and accommodation will be offered before consequences are imposed.²⁴ As such, the policy could be strengthened by stating that in accordance with its duty under the Ontario *Human Rights Code*, the Board will accommodate employees who have a drug (including cannabis) or tobacco addiction, short of undue hardship.

Recommendation 17: It is recommended that the Cannabis, Electronic Cigarettes, Tobacco – A Smoke-Free Environment Policy be updated to specify:

- The process for Indigenous employees to request and receive accommodation for use of tobacco for cultural or spiritual practices
- That dependence on these substances is considered a disability and that assistance and accommodation will be provided, short of undue hardship

Right to Disconnect: Fostering a Healthy Workplace Policy

This policy supports YCDSB's compliance with provincial legislation and supports its commitment to supporting the health and well-being of its employees by encourages a healthy, sustainable work-life balance. It states that all employees have a right to disconnect from work outside of normal work hours, during scheduled time off, and during approved leaves of absence.

The policy outlines how the YCDSB will enable employees to disconnect from the performance of their duties outside of their work hours as determined by their collective agreement, terms and conditions of employment, or employment contracts. The policy expects senior administration to model, encourage, and promote staff to disconnect from work. Exceptions to the rule of disconnecting from work include, but are not limited to, emergencies, those designated as on-call, assigned overtime, or an agreement to do so.

No issues were found with this policy.

²⁴ Ontario Human Rights Commission. Questions & Answers: Cannabis and the Human Rights Code. <https://www3.ohrc.on.ca/sites/default/files/UPDATEDOCT18Cannabis%20policy%20Qs%20and%20As%20for%20Website%20OCT%203%2018%20UPDATE%20FINAL.pdf>

Accessibility and Accommodation

Accessibility Standards for Employment Policy

This policy is designed to ensure compliance with the AODA and emphasizes the YCDSB's responsibility to provide employment opportunities that are barrier-free, bias-free, and that facilitate the full integration of employees with disabilities.

Consistent with the AODA, the policy commits the Board to several actions, including:

- Maintaining a written process for the development of documented individual accommodation plans for employees with disabilities
- Providing individualized workplace emergency response information, which will be reviewed annually, when the employee moves to a different location, or when emergency response practices or procedures are revised
- Maintaining a return-to-work process for employees who have been absent from work due to a disability and require disability-related accommodations to return to work in a safe and timely manner
- Accounting for the accessibility needs of employees with disabilities when providing performance management, career development, training, and redeployment opportunities

The policy also commits the Board to providing Accessibility Standards training to employees who participate in recruitment, hiring, and employment processes. It also commits the Board to continuous review and monitoring of each stage of the hiring process to ensure that no stage creates any systemic barriers for candidates of under-represented backgrounds.

Human Resources reports that AODA online training is provided per the policy. Once a new employee is hired, employees are required to take the AODA training module. Upon completion, a certificate of completion is automatically generated. The training is automatically tracked through the Board's training system.

No issues were found with this policy.

Religious Accommodations Procedure

This procedure gives direction to staff with respect to providing religious accommodation in the schools of the Board.

The procedure specifies that religious accommodation includes, but is not limited to, leave of absence for religious holy days, prayer, dietary requirements, fasting, religious dress, and modesty requirements in physical education. The reference specifically for leave of absence for religious holy days leaves out the option for observance of spiritual practices, such as those of Indigenous peoples.

While the procedure does address the provision of religious accommodation to employees and students in schools, it does specify that this policy applies to employees who work in all Board workplaces. In addition, the policy fails to reference staff in several areas. For example, it only addresses students in the section on dress code. While the omission of reference to staff in this section may be because the Board does not have a dress code for staff, explicit reference to staff would ensure that everyone understands that this accommodation also extends to staff.

In addition, the procedure could be strengthened by:

- Explicitly including Indigenous spirituality in the definition of creed
- Specifying who can make a determination of undue hardship (e.g., can this be made by a manager, principal, superintendent, or Director of Education?)
- Clarifying that undue hardship is a high legal threshold and management is strongly advised to consult with legal counsel first before making this determination in order to avoid legal risk and liability
- Emphasizing flexibility for religious or creeds with varying calendars. For example, the specific date of some holy days will not be known until closer to the day. In addition, some dominations of a particular religion may observe different holy days.
- Specify the principles of accommodation²⁵ that should guide religious accommodations as per the Ontario Human Rights Commission: dignity, individualization, and inclusion
- Recognizing that each individual's needs are unique and must be considered when an accommodation is requested because an accommodation that might work for one individual may not work for others
- In the "(Examples of) Significant Holy Days" chart, removing the word "Chinese" from Lunar New Year as the most inclusive way to refer to this holiday is simply "Lunar New Year" because many diverse Asian cultures celebrate it
- Clarifying that documentation from faith-based institutions/leaders are not required for religious accommodation requests as the YCDSB has a duty to accommodate an individual's sincerely held religious or creed beliefs
- Having a simple and accessible religious accommodation request form and adding an optional field for preferred name and gender pronouns, thus providing a consistent and standardized way of documenting religious accommodation requests

²⁵ Ontario Human Rights Commission Policy on preventing discrimination based on creed, The duty to accommodate. <https://www.ohrc.on.ca/en/policy-preventing-discrimination-based-creed/9-duty-accommodate>

Recommendation 18: It is recommended that the Religious Accommodations Procedure be updated to address the issues identified.

Attendance and Leaves

Attendance Support Program Policy

The purpose of this policy and the Attendance Support Program is to provide a comprehensive and positive approach to assist YCDSB employees in the maintenance of regular and consistent attendance at work.

Topics covered in the policy include reporting absences, managing attendance, managing culpable absenteeism, disability support, training, communication, the Employee and Family Assistance Program (EFAP), the YCDSB Employee Wellness Program, and confidentiality of personal and medical information.

The policy helps to ensure that employees with disabilities who have absences related to their disability are not penalized. It specifies that employees who exceed the established absence threshold due to a disability should be transitioned into the Disability Support Program.

Because some employees may have a history of suppressing/ignoring health or personal issues as they fear being penalized by the Attendance Support Program, this policy could encourage employees to communicate in confidence with their manager or supervisor regarding any health or personal concerns that they feel may interfere with their attendance. The policy could also require supervisors to support these employees to the fullest extent possible.

Recommendation 19: It is recommended that the Attendance Support Program Policy include a statement encouraging employees to communicate in confidence with their supervisor regarding any health or personal concerns that they feel may interfere with their attendance and require supervisors to support these employees to the fullest extent possible.

Attendance Support Program Process

This document reiterates the YCDSB's Attendance Support Program, which combines preventions and interventions to achieve the goals of personal and workplace wellness. The program provides supportive assistance to employees who exceed the YCDSB's established absence threshold for sporadic absences due to personal illness and additional medical appointments. The procedures are accompanied by an Attendance Support Program flowchart that explains the process.

The program addresses non-culpable, innocent absenteeism and aims to understand the reasons for absenteeism, provide timely support, and encourage regular attendance and proactive use of preventative measures. The intent of the program is for employees to feel supported and engaged to attend work regularly and contribute to the Board's priorities, including student learning and achievement.

The program applies to all full-time, part-time, temporary, and casual employees and aims to be non-disciplinary and administered in an equitable, fair, and transparent manner. The goal is for all employees to be supported by allowing individual circumstances to be reviewed on a case-by-case basis and extenuating factors to be taken into consideration.

It is positive to see that the Attendance Support Program Procedures take an individualized assessment approach to addressing non-culpable employee absenteeism. This allows for unique individual employee identity factors and situations to be taken into consideration and dealt with in a nuanced, thoughtful way. It is very much in line with the values of equity, diversity, and inclusion for YCDSB management to inquire, listen, and discuss with the employee any barriers that may be preventing them from regularly attending work and then review options for support.

No issues were identified with this document.

Personnel

Conflict of Interest for Employees Policy

This policy establishes parameters and guidelines for employees regarding possible conflicts of interest. The policy deals with real or perceived conflicts, regardless of whether the employee is engaged in Board business.

The policy includes the participation in, or influencing or attempt to influence of, the outcome of the hiring of a person with whom the employee has a familial, intimate, or financial relationship. The policy could clarify that a close personal friendship would also constitute a conflict of interest.

Recommendation 20: It is recommended that the definition of relationship in the Conflict of Interest for Employees Policy include close personal relationships.

Digital Discipleship: Acceptable Use of Technology Policy

The purpose of this policy is to regulate the use of technology (whether on Board premises or with remote work) and electronic communication for all YCDSB employees.

The policy addresses the maintenance of confidentiality of all users as per relevant privacy legislation, investigations into improper use of technology and illegal activity (e.g., bullying, defamatory libel, harassment, hate propaganda, inappropriate communication with minors, etc.), adherence to other relevant laws (e.g., copyright, patent, trademark, and service mark), cybersecurity, protection of user authentication credentials, and disciplinary and/or legal actions including police involvement. It states that failure to comply with this policy may result in discipline, including termination from employment.

The policy prohibits the use of YCDSB electronic equipment for actions such as bullying, harassment, and hate propaganda. Relevant examples such as homophobic messages, racist comments and jokes, and violent gender-specific messages are also given.

The definition of harassment included in this policy is:

The sending of electronic messages and information that causes the recipient(s) to fear for personal safety and that of others.

This definition is not consistent with that of the Ontario *Human Rights Code* and the *Occupational Health and Safety Act*.

Recommendation 21: It is recommended that the definition of harassment in the Digital Discipleship Policy be changed to be consistent with the definitions used in the Ontario *Human Rights Code* and the *Occupational Health and Safety Act*.

Electronic Monitoring Policy

This policy explains that in order to ensure the safety and well-being of employees, students, and community members, YCDSB must use electronic monitoring as a tool to assist in maintaining a safe and secure learning and working environment. The policy provides the parameters of the monitoring procedures.

The policy states that YCDSB commits to carrying out electronic monitoring in a manner that respects individual privacy rights and complies with *Bill 88*, the *Working for Workers Act 2022*, the *Employment Standards Act, 2000*, the *Municipal Freedom of Information and Protection of Privacy Act*, and the *Personal Health Information Protection Act*.

However, it does not state that it will be in compliance with the Ontario *Human Rights Code*. This is important given that the over-monitoring of Indigenous employees and employees from equity-seeking groups has historically occurred as a result of bias, prejudice, and stereotypes. Through this policy, the Board should commit to ensuring that employee electronic monitoring is conducted in a fair, equitable, and non-discriminatory manner.

Recommendation 22: It is recommended that the Electronic Monitoring Policy be revised to state that employee electronic monitoring will occur equitably with an understanding of protected human rights grounds and will be carried out in a non-discriminatory manner that does not disproportionately penalize employees because of bias, prejudice, or stereotypes based on Code-protected grounds.

Electronic Communications and Social Media Policy

This policy commits YCDSB to adhering to all applicable laws, consistent with the Board's mission, vision, and values, for the safe and acceptable use of electronic communications and social media platforms.

This requires the professional use of electronic communications and social media to ensure a safe, positive, and respectful online learning and work environment. All employees must ensure that their personal and professional usage of social media adheres to the ethical and professional principles outlined in YCDSB policies and procedures and professional designation ethical standards and/or code of conduct, including the Ontario College of Teachers' Professional Advisory on the Use of Electronic Communication and Social Media Policy.

Inappropriate or unauthorized use of electronic communication or social media by employees will result in disciplinary action in accordance with the Progressive Discipline of Employees Policy. This policy is accompanied by a partial list of examples of activities that are considered unacceptable/unlawful (e.g., bullying, defamatory libel, harassment, hate propaganda, inappropriate communication with minors, etc.) and a Social Media Account Request Form.

The policy clearly lays out what is unacceptable conduct in relation to behaviour online and on social media. It appropriately highlights several actions that can contravene the Ontario *Human Rights Code* such as bullying, harassment, and hate propaganda. Relevant examples are also given such as homophobic messages, racist comments and jokes, and violent gender-specific messages. However, the definition of harassment used is not consistent with that of the Ontario *Human Rights Code* and the *Occupational Health and Safety Act*.

This policy addresses the use of social media on behalf of the Board as well as personal use. However, it could do more to explain how personal social media usage can impact one's professional reputation and create a loss of public confidence in the employee and the Board. The policy can also specify that the Board:

- Will delete (but retain a copy of) social media comments from its official social media accounts that are found to be discriminatory, harassing in nature, or violate the principles of equity, diversity, and inclusion

- Will delete (but retain a copy of) social media comments from its official social media accounts and report them to the police if they are hateful or violent towards identifiable people or groups or incite others to discriminate or practice hate or violence towards identifiable people or groups

Recommendation 23: It is recommended that the Electronic Communication and Social Media Policy be updated to more explicitly address personal social media usage, commit to carrying out discipline in a non-discriminatory manner, and commit to deleting (but retaining a copy of) social media posts that are discriminatory, harassing, hateful, or violent.

Whistleblower Policy and Procedure

This policy emphasizes the YCDSB's commitment to ensuring the highest standards of ethical conduct, integrity, and accountability, including from its employees. The policy enables employees and the public to raise concerns about alleged financial and governance wrongdoings by an employee of the Board.

The policy provides a framework for the disclosure and investigation of alleged wrongdoing. It also protects employees from reprisal or threat of reprisal for making a confidential disclosure to report actual or alleged occurrences of wrongdoing through a third-party-certified ethics reporting service.

The policy highlights examples of wrongdoing such as but not limited to: criminal offences, fraud, embezzlement, misappropriation of funds and resources, theft, substance abuse in the workplace, workplace health and safety concerns, etc.

The Whistleblower Policy provides a sound overview of the reasons for someone making a confidential disclosure under this framework and the ways in which the person coming forward with the disclosure would be protected from reprisal.

No issues were identified with this policy and procedure.

Policy Gaps

There are some important policies missing from YCDSB's human resource policy framework that are required by law or are commonplace when compared with other school boards. These policies and procedures are needed to ensure a sound policy framework for the equitable treatment of employees.

These policies and procedures include:

- Accommodation Policy to address accommodation not related to disability or religion
- Transitioning in the Workplace Policy and Procedures

- Environmental Sensitivities Policy
- Employment Equity Policy

Recommendation 24: It is recommended that YCDSB identify the policies needed to complete its human resource policy framework, develop these policies, and communicate them to leaders, managers/school administrators, and employees.

Additional Issues

The use of gendered language

The policies and procedures use gendered language that perpetuates a gender binary, including language such as "his/her," "him/her," "himself," "herself," and "he/she."

It is recommended that YCDSB replace gendered language with language that is neutral and inclusive of gender diversity such as "child," "they," and "their."

Recommendation 25: It is recommended that YCDSB use its policy review process as an opportunity to incorporate gender-neutral language in all policies and procedures.

Lack of voluntary option to disclose gender pronouns and preferred name

YCDSB personnel forms reviewed do not allow employees to identify their gender pronouns and preferred name. A commitment to gender diversity and inclusion would include fields for an employee to disclose their gender pronouns and preferred name so that there is prevention of misgendering on the part of administrators and those handling the paperwork.

Recommendation 26: It is recommended that YCDSB add a field to all personnel forms to allow employees to identify their gender pronouns and preferred name.

10. Review of Recruitment and Selection Processes

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, which 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 reduce their impact.

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

1. Job postings
2. Advertising job openings
3. Application form
4. Accommodation during the hiring and selection process
5. Pre-screening
6. Assessment of candidates
7. Competition files

10.1 Job postings

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

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

Careers webpage

YCDSB uses its Careers webpage along with Apply to Education to advertise job openings. This review found several positive aspects to the Careers page that would encourage Indigenous job seekers and those from the equity-seeking groups to apply to YCDSB job openings. This includes the following information on the Board's Careers page:

- That the Board has consistently been ranked as one of the top performing school boards in Ontario
- That the Board is committed to equity and accessibility
- A listing of current job openings
- Qualifications and application requirements for various roles
- Simplified instructions for external applicants
- That successful candidates will be required to submit a satisfactory Vulnerable Sector Screening as a condition of employment

While the Careers webpage provides good information to prospective applicants, it does not provide information on how foreign-trained applicants can have their academic credentials evaluated prior to applying for employment. This information is important to support foreign-trained applicants, the majority of whom are racialized, to have their academic credentials evaluated prior to applying for employment with the Board. For example, the Peel District School Board refers these job seekers to a number of service providers who then conduct this assessment.²⁶

In addition, additional information could be provided to applicants to help them understand the requirement for a criminal background check, the process, and how the check should be submitted. It should also inform job seekers that a police record does not necessarily disqualify an applicant from employment. It should state that, should the job seeker have a criminal record, it will be reviewed and provide the criteria for this review.

Recommendation 27: It is recommended that the Board's Careers webpage provide information for foreign-trained applicants and information about the requirement and process for a criminal background check.

²⁶ <https://www.peelschools.org/careers>

Job ads

YCDSB job ads generally include the following information:

- Location of work
- Major responsibilities
- Required experience and qualifications
- Skills and competencies
- Closing date
- Statement of commitment to equity
- Accessibility statement
- Diversity and inclusion statement
- The need for an enhanced police information check
- Mission statement
- Vision statement

However, for some teaching positions, no description of the role is provided.

In addition, the salary or wage range is not specified on each job ad. Ontario passed Bill 149 in 2024 to amend the *Employment Standards Act*. It requires that every employer who advertises a job opening publicly include information about the expected compensation or the range of compensation for the position. While this provision is to be effective on a future date not yet specified, YCDSB should prepare to revise its job positions to include the salary range.

Recommendation 28: It is recommended that each job posting include a description of the role, including those for teaching positions, and the salary/wage range for the position.

Equity-related competencies

The review found that some job postings included equity-related qualifications and experience required for the position, such as:

- Life experience deeply rooted in local Black communities
- Demonstrated commitment to working in a diverse school community and/or environment

- Demonstrated commitment to equity, inclusion, anti-racism, anti-oppression and working in a diverse school community and/or work environment.

However, knowledge of, and ability to work with, the diverse communities in York Region is not identified as a qualification on all job postings, including those for teachers, educational assistants, and psychologists.

Recommendation 29: It is recommended that the Board develop equity-related competencies specific to each role and that these competencies be included in the job descriptions and job postings and be assessed through the selection process.

Equity and accommodation statements

Equity and accommodation statements are an important component of the job posting and encourage a diverse applicant pool. These statements also help the Board to meet its obligation under the Ontario *Human Rights Code* and *Accessibility for Ontarians with Disabilities Act* to offer and provide accommodation to prospective employees based on any human rights protected ground.

This review found that each job ad includes the following statement of commitment to equity:

YCDSB is an equal opportunity employer committed to providing an environment of diversity and employment equity and is dedicated to creating a workplace culture of inclusiveness that reflects the diverse communities that we serve.

We are proud to have built a culture that thrives on idea-sharing and collaboration, always finding ways to continue to create a warm, welcoming and inclusive work environment. We are committed to being an equitable employer, providing an inclusive environment for a diverse workforce, including but not limited to, women, persons with visible and invisible disabilities, Indigenous persons, and ethnic visible minorities.

This statement could be strengthened by referencing racialized people rather than "ethnic visible minorities." It could also include reference to Black people and 2SLGBTQ+ people to be consistent with federal employment equity legislation. While the Board is not required to comply with this legislation, these are the groups that have been identified for employment equity because they experience persistent and systemic discrimination in the labour market. As such, it would benefit the Board to reflect the federal list.

The Career's webpage and each job ad also includes the following accessibility statement:

The Board is committed to creating an accessible and inclusive workplace. We are committed to providing barrier-free and accessible employment practices in compliance with the Accessibility for Ontarians with Disabilities Act (AODA). Should you require Code-protected accommodation through any stage of the recruitment process, please make them known when contacted and we will work with you to meet your needs. Disability-related accommodation during the application process is available upon request.

As this is the first place the Code is referenced for job seekers, this statement could reference the Ontario *Human Rights Code* in full. In addition, this statement should clearly reflect that the Board will provide accommodation based on any Code-protected ground, not just disability. For example, the statement could read in part:

YCDSB will provide accommodation based on any ground protected by the Ontario *Human Rights Code* through any stage of the recruitment process.

Recommendation 30: It is recommended that the Board's equity and accessibility statements be revised to:

- Update the language in the equity statement to reference "racialized people"
- Also include Black people and 2SLGBTQ+ people as those identified for employment equity
- Update the accessibility statement to reference the Ontario *Human Rights Code* in its entirety and state that the Board will provide accommodation based on any Code-protected ground, not just disability

10.2 Advertising job openings

The Board uses its website as its primary means of advertising job openings to the public. Human Resources reports that for professional or specialist positions, broader advertising is conducted, including posting job ads in newspapers, through professional associations, and on other websites such as Indeed and LinkedIn.

While various policies relating to staff recruitment state a commitment to advertising vacancies "in ethnic and alternative media to promote applications from diverse candidates," no such advertising is currently being done. Broader advertising of job openings could help the Board diversify its workforce. Throughout Ontario, school boards are facing the challenge of diversifying their teacher workforce to reflect the

diversity of the student population. If school boards, including the YCDSB, are to close the teacher diversity gap,²⁷ they need to proactively recruit and hire for diversity.

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 the positions currently vacant, but it also signals to those from diverse communities, backgrounds, or identities that the organization is welcoming of people like them. This could then increase the likelihood that these individuals 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 may not apply if they perceive the organization to be a “closed shop” and unwelcoming of people from their community, background, or identity.

School boards, including the YCDSB, can also do more to help diversify the teacher pipeline by developing curriculum and strategies to support elementary and secondary students from all backgrounds to see teaching as a viable profession. School boards can also use their influence with teacher education programs to ensure they are admitting and graduating teachers from diverse communities, backgrounds, and identities.

The ability of employers to influence universities to diversify their student populations is not new. Faced with the lack of diversity among law school graduates, the legal community has worked with faculties of law to increase diversity among those entering the profession. Canada’s legal community has designed *Call to Action Canada: Diversity in the Legal Profession* to help foster more diverse Canadian legal environments within the next decade.²⁸ Those who have signed onto the Call to Action include law firms, corporations, Crown prosecutors, judges, and law schools. These organizations have undertaken a range of initiatives to not only hire lawyers from diverse backgrounds, but also influence the diversity of those entering law schools.

In response, law schools have undertaken various efforts to diversify their student populations. For example, the Faculty of Law at the University of Toronto has a strategy to diversify its student population that includes:²⁹

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

²⁷ Turner Consulting Group. (2014, October 30). Teacher Diversity Gap. <https://www.turnerconsultinggroup.ca/blog/teacher-diversity-gap>

²⁸ Stern, J. (2010, January 11). Driving diversity: A call to action to Canada’s legal community. *Canadian Lawyer*. Retrieved from <http://www.canadianlawyermag.com/author/heather-gardiner/driving-diversity-a-call-to-action-to-canadas-legal-community-692/>

²⁹ University of Toronto. Inclusivity and Diversity at the Faculty of Law. <https://www.law.utoronto.ca/about-law-school/inclusivity-and-diversity-faculty-law>

- Removing the financial obstacles faced by low-income students when applying to law school by offering a free LSAT prep program and waiving the law school application fee
- Collecting demographic information about incoming student classes
- Offering specialized student support services to Indigenous students

Recommendation 31: It is recommended that YCDSB work with other school boards to use their influence to call on faculties of education to increase both the diversity of their graduates and the competency of new teachers to be culturally responsive and anti-racist/anti-oppressive.

Recommendation 32: It is recommended that the YCDSB promote teaching as a profession to elementary and secondary students from Indigenous communities and the equity-seeking groups.

Recommendation 33: It is recommended that the YCDSB conduct outreach recruitment to diversify the applications to all positions at the Board.

10.3 Application form

The online system allows applicants to upload a resume, cover letter, and any additional information the applicant wants the YCDSB to see, including:

- Certificates and diplomas
- Reference letters
- Criminal background check/Vulnerable Sector Screening
- Any additional documents

For applications to educator positions, the applicant is also asked:

- Are you a practicing Roman Catholic?
- Did you take or are you enrolled in the Pre-service Roman Catholic Religion Education Course given at your faculty of education in Ontario or equivalent?
- Did you take the Ontario Catholic School Trustees Part 1, Ontario English Catholic Teachers, Association Religion Course or an equivalent?
- Can you supply a pastoral reference from a Roman Catholic church?

While various hiring policies state a commitment to hiring candidates who self-identify as a member of a “historically underrepresented group” and providing candidates with a means of self-identifying as part of the hiring process, in no part of the hiring process is this operationalized.

While Human Resources staff report that they have not yet come across a situation where an applicant cannot provide their education certificates or diplomas, the YCDSB should be aware of the potential human rights violation should they exclude a candidate unable to provide these documents from consideration. As such, Human Resources should provide staff with guidance on how to proceed 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:

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.

The Board should also be aware that requesting job candidates to provide their educational credentials opens them up to accepting fraudulent documents, which have been an issue in Canada. Because of the proliferation of degree mills, many universities have moved to online verification of educational credentials.³⁰

Recommendation 34: It is recommended that the Board operationalize its commitment to allowing applicants to self-identify as part of the hiring process and use this information to better understand the diversity of its applicant pool, identify and remove barriers in the hiring process, and prioritize the hiring of applicants who are Indigenous and members of equity-seeking groups.

³⁰ Szeto, E. & Vellani, N. (2017, September 14). ‘All of us can be harmed’: Investigation reveals hundreds of Canadians have phoney degrees. CBC News. <https://www.cbc.ca/news/business/diploma-mills-marketplace-fake-degrees-1.4279513>

Recommendation 35: It is recommended that the Board provide guidance to human resource staff and hiring managers regarding how to proceed should a candidate not be able to provide their original certificate or diploma.

Recommendation 36: It is recommended that the Board develop processes to ensure that as it is verifying educational credentials it is not accepting fraudulent educational credentials.

10.4 Accommodation during the hiring and selection process

The Ontario *Human Rights Code* requires that organizations accommodate both existing and prospective employees based on any human rights protected ground during the hiring and selection process. The *Accessibility for Ontarians with Disabilities Act* also requires that persons with disabilities be informed of and receive accommodation in the hiring and selection process. The Employment Standard in the *Accessibility for Ontarians with Disabilities Act* requires that organizations:

- Notify candidates about the availability of accommodation during the recruitment and selection process
- Provide assessment and selection materials in accessible formats, upon request
- Notify successful candidates of the policies for accommodation of employees with disabilities

Many of the interview invitation email templates that were reviewed inform the candidate that if they require any accommodation to participate in the interview process, they should let Human Resources know. However, this information was not included on each of the templates for the various positions.

The review of job offer templates found that new employees are informed that “accommodation due to a medically supported disability” is available and are asked to contact the Employee Wellness Specialist. However, templates do not inform candidates that accommodations for any disability or accommodations related to any Code-protected ground will be provided.

Recommendation 37: It is recommended that the Board ensures that all interview invitation email templates ask candidates if they require accommodation to participate in the interview process.

10.5 Pre-screening

Pre-screening includes reviewing applications 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.

Pre-screening is conducted in some cases by the recruitment partner and in other cases by the hiring manager. The screening is based on the minimal requirements (education and experience) listed in the job ad. For unionized positions in which hiring opportunities are restricted to internal applicants, there is no flexibility on the pre-screening criteria, as the educational and experiential requirements are dictated by the collective agreement. Teacher positions are based on educational qualifications for each panel, additional qualifications that are needed within the school, and seniority.

In some cases, screening is conducted by Human Resource staff, with the resumes of the qualified candidates provided to the hiring manager/school administrator. When the hiring manager conducts the screening themselves, Human Resources provides guidance and supports the screening process.

For some competitions in the files reviewed, candidates are asked pre-screening questions. These questions for the most part assess the candidates' abilities to meet the bona fide job requirements. However, some candidates are also asked, "Why did you apply for this position?" This question tells YCDSB nothing about the candidates' skills and abilities, introduces subjectivity into the process, and should not be included in the pre-screening process.

The OECTA Collective Agreement allows the Board to bypass seniority when hiring for permanent positions, for 35% of hires. It also allows the Board to hire an external applicant should it chooses. The Board is still required to interview three applicants (if three apply) and select one of the three. Human Resources reports that it works collaboratively with principals when deciding when to employ this hiring rule. If a principal feels that there is a school-level issue or concern that can be addressed by hiring the candidate that would best address that issue, they can raise it with Human Resources. The main objective for its use is to hire candidates from underrepresented groups and to hire an external applicant in a hard to fill subject area (e.g., French).

Recommendation 38: It is recommended that guidance be provided to hiring managers and school administrators on how to consistently and fairly assess job applicants against the stated job qualifications.

Recommendation 39: It is recommended that questions unrelated to the candidates' skills and abilities for the job be removed from the pre-screening process.

10.6 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.³¹ 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.³² 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 persons and individuals from the equity-seeking groups.

To minimize the effect of bias on candidates from Indigenous and equity-seeking communities, organizations typically strive to ensure diversity among interview panels to increase the validity of the interview as a primary selection tool and to decrease the differences in outcomes between equally qualified candidates from various groups. Having a diverse interview panel decreases the likelihood of gender or cultural bias in the interview process and, in turn, increases the fairness—and perceptions of fairness—of the process.³³ In addition, interviewers, no matter how well intentioned, may tend to favour those who are 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.

³¹ Polisar, J., & Milgram, D. (1998, October). Recruiting, integrating and retaining women police officers: Strategies that work. *The Police Chief*, 65(1), 42–52.

³² Bohnet, I. (2016, April 18). How to take the bias out of interviews. *Harvard Business Review*. Retrieved from <https://hbr.org/2016/04/how-to-take-the-bias-out-of-interviews>

³³ Dechief, D. & Oreopoulos, P. (2012, February). Why do some employers prefer to interview Matthew, but not Samir? New evidence from Toronto, Montreal, and Vancouver. *SSRN Electronic Journal*. 10.2139/ssrn.2018047.

10.6.a Interviews

Interview panels

School principals conduct interviews for transfer positions at a school with no input from Human Resources. They are required to select the interview panel, draft the interview questions, conduct the interviews, and make the hiring decision. For teaching positions, the Collective Agreement requires that they interview the five most qualified applicants.

Hiring of occasional teachers is conducted centrally, with principals invited to participate on an interview panel. The questions for these interviews are developed by Human Resources. Principals conduct hiring for department heads using questions provided by Human Resources. Principals may add a school-based question if they wish.

The review of the competition files indicates that interview panels of two or more individuals are consistently used in the hiring process. Human Resources reports that they try—and principals are also encouraged—to ensure a gender balance on hiring panels.

Concern was raised in consultations with staff about the involvement of trustees in the hiring of superintendents of education. According to Good Governance for School Boards,³⁴ the role of trustees in hiring is to recruit for and hire the Director of Education. This is the one and only employee that trustees hire and whose performance they oversee. The document, and the *Education Act*, does not specify the role of trustees in the hiring of any other staff.

In addition, the provincial government has communicated its perspective that trustees should not be involved in the hiring of staff, with the exception of the Director of Education. The report of review of governance at the Peel District School Board states:

...trustees serve on hiring committees for superintendents and principals. Apart from this being problematic from a good governance perspective, we are concerned that the deep divisions in the Board of Trustees could impact hiring decisions for senior positions. We also point out that this practice can give rise to staff inappropriately currying the favour of trustees, and trustees inappropriately gaining favour from senior staff.³⁵

³⁴ Good Governance for School Boards: Trustee professional development program. Module 3: Roles and responsibilities. (November 2019). <https://modules.ontarioschooltrustees.org/Modules/03-Roles-and-responsibilities.aspx>

³⁵ Chadha, E., Herbert, S. & Richard, S. Review of the Peel District School Board. (2020, February 28). <https://files.ontario.ca/edu-review-peel-dsb-school-board-report-en-2023-01-12.pdf>

The report recommends that trustees “cease to participate in any hiring or promotion panels, with the exception of the position of the Director of Education.

Training for interview panel members

Managers and school leaders involved in hiring are required to take a course to support bias-free hiring. During the pandemic, the course was not provided, but it has recently begun to be offered.

The slides provided for the course offered in March 2024—Inclusive Conversations about Systemic Racism in Recruitment and Employment—were provided for review for this Employment Equity Audit. This workshop covers the following topics:

- The fundamentals of unconscious bias and unintentional racism
- Common areas of prejudice, discrimination, and bias
- Key terms and concepts
- Moving from unconscious bias to the anti-racist organization
- Inclusive recruitment practices
- Onboarding
- Allyship
- Tools and tips

The workshop provides a good overview of unconscious bias, examples of bias in employment, and behaviours that will help participants overcome their unconscious biases. However, the content is quite broad and does not focus specifically on understanding how unconscious biases impact the hiring process and what hiring managers can do to minimize bias in the hiring process.

Competitive process

While for a number of unionized positions the collective agreements state that the Board will hire the senior most qualified person, for some interviews, staff told us that the interview process has been informal and has not been used to confirm that candidates are indeed qualified. Some who have participated on interview panels shared that while an interview panel was convened, it was not used to assess the skills of candidates. In some cases, the most senior candidate has been brought in for an informal chat rather than for an interview.

It is important that the interview process be used to confirm the candidate’s skills and abilities for the role, and that this assessment be documented.

Interview marking guides

The review of the competition files included the interview marking guides, many of which include the interview questions, look-fors, scoring for each individual question, and total score. Hiring managers/school administrators are also provided with guidance on how to open and close the interviews. Additional guidance is given to the hiring panel to provide the interview questions in writing, take verbatim notes, and to use consensus scoring. However, not all marking guides include look-fors to help ensure the consistent scoring of candidates' responses.

For many interviews, the interview marking guide requires those on the interview panel to declare that they have no conflict of interest. However, this was not found on each of the marking guides reviewed. In addition, in some cases, the instructions for members of the hiring panel state, "If any candidates are known to you, you must disclose to HR and cannot participate in the selection process." However, simply knowing a candidate does not put the person in a position of conflict. Instead, it is the type of relationship that should be considered. While some marking guides required members of the interview panel to disclose any conflicts of interest, this section was not completed in all the files reviewed.

Hiring for international language instructors is conducted centrally. Italian is the only international language for which instruction is provided. Given that only 39% of students are of Italian heritage, this doesn't provide students from other backgrounds with the opportunity for similar language instruction. More importantly, for this review, limiting language instruction to Italian creates an important entry point for Italian-speaking instructors to enter the Board. On top of that, it excludes teachers with knowledge of other languages from this important entry point.

Group interviews

The hiring of occasional teachers includes a three-part process that sees a) a group component requiring candidates to share their qualifications and respond to a given scenario; b) a written component; and c) an interview. The group component is described as an opportunity for candidates to challenge each other's thinking. Assessment of this component includes active listening, professionalism, self-reflective, flexibility, collaborative professionalism, clear and effective communication, openness to feedback/dialogue, critical thinking, a positive attitude, self-awareness, knowledge, and respect.

Candidates for the group interview are provided one of two questions in advance and are given dedicated time during the process to share their response to the question. Human Resources reports that the group interview has helped provide a more balanced assessment of the candidate rather than basing a hiring decision simply on a formal interview. Human Resources reports that they have received positive feedback from candidates who have reported that the group interview has put them at ease during the individual interview. In addition, principals have reported that it has increased their ability to assess a candidate's suitability for the role.

Despite this positive feedback, group interviews can put candidates who are Indigenous, racialized, and who have a disability at a disadvantage in numerous ways. Those with communication styles different from the dominant group may not be given the opportunity to share their input. Group interviews may also put extroverted personalities at an advantage and may disadvantage those who are more introverted, despite being qualified and a good fit for the job. In addition, the assessment of some of the criteria (e.g., professionalism, a positive attitude, and respect) introduces personal biases into the hiring process, which can negatively affect Indigenous peoples and members of the equity-seeking groups. While Human Resources has received positive feedback from candidates, this feedback has been from those who feel comfortable sharing their perspectives. Candidates who didn't experience the group interview positively may not have felt comfortable sharing their experience.

Hiring for diversity

Our review of hiring documents did not find that any guidance is provided to hiring managers on the Board's goal of diversifying the workforce and their role in hiring Indigenous candidates and candidates from the equity-seeking groups.

Feedback

Concern was raised in the focus groups that honest and constructive feedback was not being provided to unsuccessful candidates to support their ability to improve in future competitions. The lack of feedback increased suspicion among some that hiring was relationship-based rather than merit-based. Guidance to managers on how to provide honest and constructive feedback will help candidates perform better in interviews and increase their confidence in the hiring process.

Recommendation 40: It is recommended that trustees no longer participate in any hiring or promotion panels, with the exception of the position of Director of Education.

Recommendation 41: It is recommended that the training provided more clearly focus on helping hiring managers understand unconscious bias in the hiring process and what they can do to minimize the impact of bias.

Recommendation 42: It is recommended that an interview process be used to confirm the senior most qualified candidate's skills and abilities for the role and that this assessment be documented.

Recommendation 43: It is recommended that the hiring manager be required to ensure a complete competition file before a job offer can be made, including ensuring that all panel members have completed the declaration that they have no conflict of interest.

Recommendation 44: It is recommended that all interview marking guides include a section for interview panel members to declare that they have no conflict of interest and to be specific about which relationships would constitute a conflict of interest.

Recommendation 45: It is recommended that look-fors be established and use in all interview marking guides to ensure the consistent scoring of candidates' responses.

Recommendation 46: It is recommended that the Board consider offering instruction in international languages other than Italian to open up this entry into the organization for those who speak languages other than Italian.

Recommendation 47: It is recommended that over the coming year all candidates who participate in the group interview portion of the occasional teacher hiring process be given the opportunity to provide their anonymous feedback to determine whether the process creates a disadvantage for Indigenous candidates and candidates from the equity-seeking groups.

Recommendation 48: It is recommended that hiring managers be provided with information about what they should consider in the decision-making process to support the Board's goal of diversifying the workforce.

Recommendation 49: It is recommended that managers and school administrators be provided with guidance on how to provide honest and constructive feedback to unsuccessful candidates.

10.6.b Interview questions

The competition file review found many examples of good interview questions. This included a mix of behavioural questions (e.g., tell us about a time when ...), knowledge and skill questions (e.g., tell us about your approach to ...), and situational questions (e.g., what would you do in this situation ...). This review did not find any interview questions that were culturally or gender biased.

Throughout the review, we found evidence that questions related to equity and diversity are asked in each competition. Some questions are quite good and help assess the candidate's ability to work with a diverse group of coworkers and students.

While there is no requirement for language instructors to be Catholic, the interview questions for these positions include one question about their commitment and contribution to Christian values.

In the interview notes, we found comments such as "courteous," "very nervous," "had to be prompted," "polite and friendly," and "very confident." This suggests that some interview panel members may be assessing candidates based on subjective factors and introducing bias into the hiring process.

Human Resources reports that as a standard practice they provide the interview questions in writing for the candidate during the interview, which is a best practice.

Recommendation 50: It is recommended that international language instructors not be asked about their Christian faith given that it is not a job requirement for that position.

Recommendation 51: It is recommended that hiring managers/school administrators be provided with additional guidance on what to consider when hiring to ensure that they are engaged in bias-free hiring and that candidates who are Indigenous and from equity-seeking groups are not disadvantaged in the hiring process.

10.7 Competition files

A complete competition 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.

For interviews conducted centrally, including for occasional teachers, Human Resources maintains the competition files. For interviews conducted at the school-level, Human Resources reports that principals retain the files and often shred the files after about three months.

Not all the files received for this review were complete. Included in some (but not all) competition files were the following:

- Job ad
- Candidate cover letters and resumes
- Interview questions, candidate responses, and scoring
- Reference Check Consent Form
- Reference check questions and notes

Failure to retain all competition files puts YCDSB at risk should it receive a grievance or human rights complaint and not have the documents to justify a fair hiring process. While individuals have up to one year after an incident of harassment or discrimination to make a complaint with the Human Rights Tribunal of Ontario, and beyond the one year with good reason, it is wise to retain files for at least 18 months.

Recommendation 52: It is recommended that Human Resources instruct principals to retain competition files for 18 months following the close of the competition.

Recommendation 53: It is recommended that Human Resources provide a checklist to specify which items should be maintained in the competition files.

11. School Administrator Promotion Process

Job Posting

The process is initiated with a job posting to the Board's Career webpage and Apply to Education. The posting lists desired skills, including a commitment to Catholic education and YCDSB's mission, vision, and strategic commitments, demonstrated classroom or administrative excellence, and commitment to advancing human rights and equity in schools and in the community. In addition, candidates are required to have certain qualifications and experience, including Religious Education AQ Part 2 and completion of the YCDSB Discernment Series for Aspiring Vice-Principals/Principals.

Applicants are also required to be a "participating member of a Catholic worshipping community as attested by your Parish priest via Pastoral Reference, dated by your Parish Priest within the last 12 months prior to application."

The application process allows applicants to upload the following documents:

- Resume
- Cover letter
- Teaching evaluations
- Certificates and diplomas
- Teaching qualifications/licenses
- Reference letters
- Criminal background check
- Pastoral reference letters and faith reference portfolio

A description of what is needed for the application process is not included on the website and is only known once someone begins the application process. In addition, no clarification is provided regarding reference letters (e.g., should one letter be from one's current supervisor, what is a faith reference portfolio, etc.).

The Board's Appointments to Principal and Vice-Principal Positions Policy commits the YCDSB to:

- Creating a workplace culture of inclusiveness that reflects the diverse communities it serves
- A transparent, fair, and equitable process
- Advertising position vacancies in ethnic and alternative media to promote applications from diverse candidates
- Providing candidates with a means of self-identification as part of the hiring process

However, many aspects of this policy have not been operationalized. The website does not promote transparency of the promotion process by describing the process for candidates. In addition, the process does not allow applicants to self-identify as Indigenous or as belonging to an equity-seeking group. These positions are also not posted in ethnic and alternative media.

Interviews

The interview questions found in the files reviewed indicated that questions were relevant to assessing candidates' skills and abilities for the roles of vice-principal and principal. Questions related to equity and inclusion were also included and the interview questions are provided to the candidates in writing during the interview.

Human Resources reports that interview panels vary during the interview process and each candidate may not be asked the same interview question.

The interview schedule indicates that the process allows for a one-hour interview. It also shows that 15 minutes are given between interviews to debrief and score candidates.

Interview notes

The notes included on the marking guides include comments such as "warm and welcoming," "genuine and sincere," "calm demeanor," and "passionate about education." These comments suggest that the cultural biases about candidates, rather than their skills and abilities, may impact the assessment of candidates in the promotion process.

In addition, the notes that would form the basis of feedback for promotion of candidates indicate that additional guidance could be provided to candidates to help them answer the interview questions in the desired form. For example, the following comments were provided for one candidate: "rather than focusing on individual achievements with lots of 'I's', important to show your collaborative qualities that demonstrate you can engage and lead others in a positive direction." This guidance could be provided to candidates at the beginning of the interview to support them in understanding how to frame their responses to the interview questions.

Placement in pool

Successful candidates are placed in a promotion pool for a period not to exceed three years. Those in the pool are appointed to positions as vacancies become available. Candidates not placed by the end of the third year are then required to reapply to the promotion process.

For several reasons, Indigenous and racialized candidates can be overrepresented among principals and vice-principals who remain in the pool beyond three years. As such, the YCDSB should monitor the identity of the candidates who are not placed within three years and are required to reapply to the position to assess impact on these groups.

Pastoral reference letter

The employees with whom we consulted shared their concern that the requirement for a pastoral reference creates a barrier to advancement for many individuals. As these individuals shared:

- *The recent pastoral letter of reference requirement for current staff seeking a role of responsibility positions (for example, department head, transfers to other schools within the board) is restrictive and inequitable.*
- *When a person wishes to advance in our board, they are required to include another letter from their parish priest (needs to be valid for one year). I find that this is biased. There are many reasons why someone may not be attending mass. At times the parish priests are not willing to write a letter unless that individual volunteers in the church, etc. Employees may not have the capacity to be involved during this time in their lives. Each parish has many different rules imposed and this limits an employee from moving forward based on these outside variables and not the quality and content of their work.*
- *Stop requiring pastoral references after the initial hire. Some people who attend church are unable to get one and people who do not attend church who have connections are able to get one without even attending church. This would allow more people to apply for leadership positions.*

Recommendation 54: It is recommended that a description of the principal and vice-principal promotion process be included on the Board's webpage.

Recommendation 55: It is recommended that the application process for promotion allow candidates to self-identify as Indigenous or as belonging to an equity-seeking group, consistent with the Appointments to Principal and Vice-Principal Positions Policy. This data should be summarized after each promotion process to assess the diversity among applicants and determine what more could be done to diversify the application pool and to identify any barriers in the promotion process.

Recommendation 56: It is recommended that the Board conduct outreach recruitment, including posting promotional opportunities in ethnic and alternative media, consistent with the requirements of the Appointments to Principal and Vice-Principal Positions Policy.

Recommendation 57: It is recommended that the requirement that those in the pool beyond three years be required to reapply be examined to determine whether it has a disproportionately negative impact on Indigenous candidates and candidates from equity-seeking groups and whether it is a bona fide requirement for promotion.

Recommendation 58: It is recommended that the pastoral reference letter be removed as a requirement for promotion within the Board. Instead, the Board should consider other assessment methods such as including an interview question to assess how the candidate would lead a Catholic school.

Recommendation 59: It is recommended that those who sit on the promotion panels be provided with additional guidance on what to consider when hiring to ensure that they are engaged in bias-free hiring. This will also ensure that candidates who are Indigenous and from equity-seeking groups are not disadvantaged in the hiring process.

12. Employee Perspectives

Individual attitudes and corporate culture impact 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.³⁶ Unhealthy workplaces also negatively affect the mental health of employees,³⁷ with mental health now being the leading cause of short- and long-term disability absences.³⁸

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 affect 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, or undertake initiatives without first 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,

³⁶ 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.

³⁷ 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/>

³⁸ 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/>

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.

Approximately 900 employees participated in the consultations for this Employment Equity Audit, representing about 18% of the Board's approximately 5,000 permanent and temporary employees. This level of participation gives 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 virtual focus groups.

In total, 808 YCDSB employees completed the online survey. The results are graphed and include a breakdown by identity group. Given the small numbers of employees who identified as Indigenous (5 people) and as 2SLGBTQ+ (19 people), the responses from these two groups are not graphed. Their input is included in the summary of their issues and concerns are included in the final section of this report.

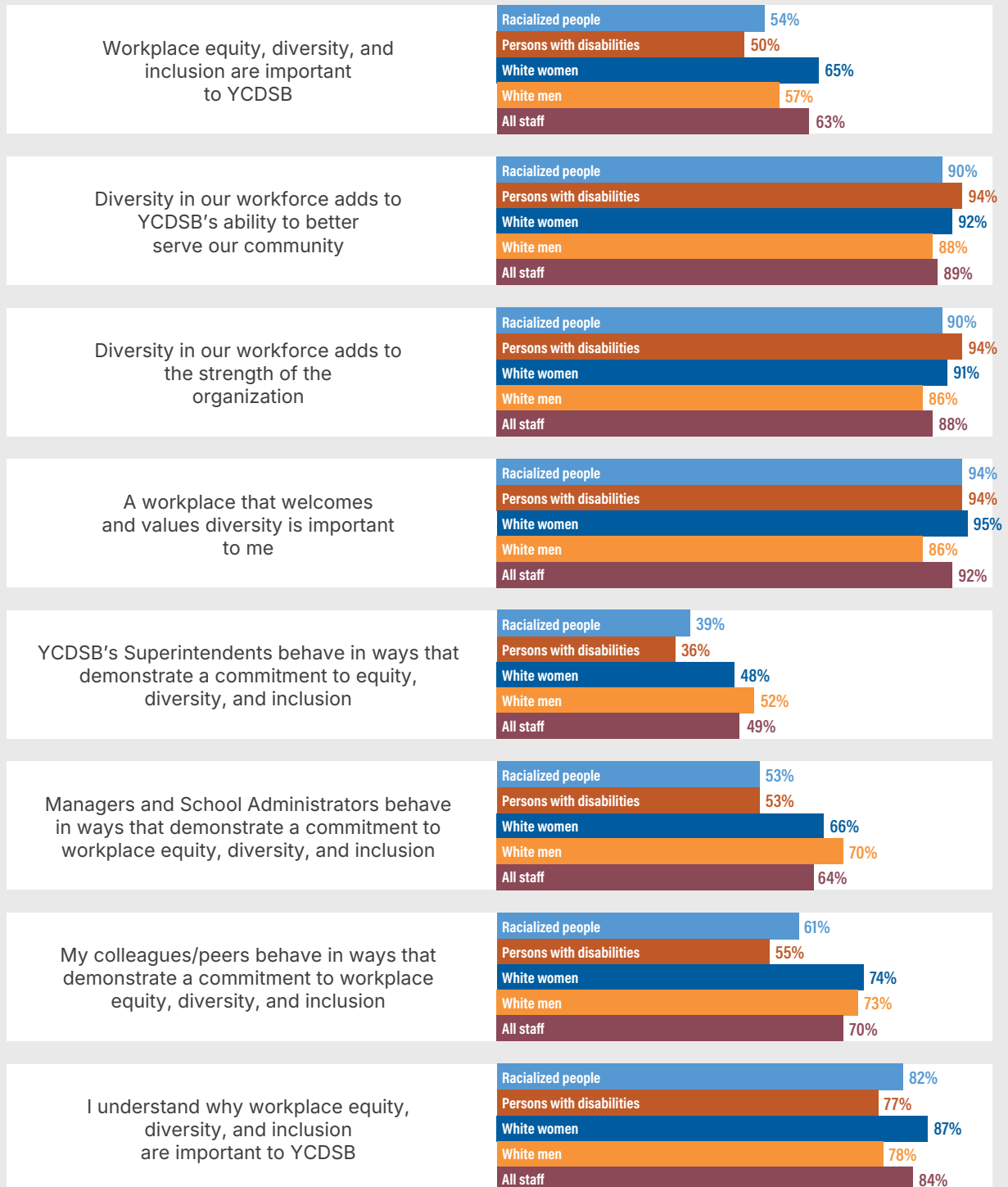
The graphs provide a summary of the survey responses for racialized people (113 individuals), persons with disabilities (53), White women (352), and White men (72). Their responses are compared to that of all employees.

The graphs are followed by a summary of the themes identified from the open-ended questions and the focus groups. It summarizes the themes identified through the conversations with employees in the focus groups and interviews as well through the 191 pages of stories, information, and perspectives shared through the online survey. Quotes are used throughout to allow the reader to hear directly from employees in their own words. The quotes used are from employees who have given their permission for their use.

12.1 Attitudes and corporate culture

The Workplace Equity and Inclusion Survey asked respondents about their and the organization's commitment to workplace equity, diversity, and inclusion.

Graph 1. Organizational and Employee Commitment to Workplace Equity, Diversity, and Inclusion.



As Graph 1 shows, the vast majority of survey respondents agreed that diversity adds to the YCDSB's ability to better serve the community, diversity in the workforce adds to the strength of the organization, and a workplace that welcomes and values diversity is important to them. The majority also reported that they understand why workplace equity, diversity, and inclusion are important to YCDSB.

However, smaller proportions of respondents reported that they believe equity, diversity, and inclusion are important to YCDSB. Many consultation participants shared that the YCDSB is at the beginning of its equity journey and suggested that much more needs to be done to diversify the Board's workforce and foster a more inclusive workplace. Many also felt that much more training is needed for staff throughout the organization to ensure that everyone understands and can contribute to these efforts.

In addition, a common theme raised by participants in the consultations for this Employment Equity Audit was the lack of diversity among staff, particularly as compared to the diversity among students. They shared that despite this gap in diversity and the benefits to students of seeing teachers and staff from diverse communities, backgrounds, and identities, they feel that the Board is doing little to close this gap.

Some staff commended the Board for the hiring of a Superintendent of Equity and were hopeful that this person will help the Board address its issues of equity. Some shared their concern that the EDI efforts the Board has engaged in so far have been performative and hoped that the Superintendent of Equity can help the Board "walk the talk" of equity. However, some shared concern that staff may see the work of equity as being the responsibility of this superintendent, rather than a shared responsibility of all staff. As such, they felt that it is important for all staff to understand the role they play in advancing workplace equity, diversity, and inclusion.

While there was a good deal of support for the Board's EDI efforts and a desire for the YCDSB to do more to diversify its workforce and foster more inclusive workplaces, a smaller proportion of employees expressed their view that the Board was already doing too much in this regard. These employees shared their perception that White people and/or White men are being disadvantaged at the Board and that EDI efforts conflict with Christian values. They felt that the Board should be treating everyone the same, rather than identifying and addressing the specific issues that Indigenous peoples and members of the equity-seeking groups are experiencing.

As Graph 1 shows, smaller proportions of survey respondents reported that they see a commitment to EDI in the behaviours of superintendents, managers and school administrators, and their colleagues, with racialized employees and employees with disabilities being less positive than White women and White men.

In the focus groups, employees were asked about the positive aspects of working at the Board. Employees shared a deep commitment to their jobs, their students,

and their school community. They identified the following positives of working at YCDSB:

- Good wages, benefits, and job security
- The comradery and being part of a team
- Working with hard-working, passionate, caring individuals
- The ability to make a difference in the lives of students
- The variety in their workdays

Focus group participants were also asked about the challenges and negative aspects of working for YCDSB. These responses related to the following themes:

- Unfriendly and unwelcoming work environments, particularly for 2SLGBTQ+, Indigenous, and racialized employees, as well as for occasional staff and staff who are not teachers
- Lack of funding and proper resources

In addition, staff commented on both the benefits and challenges of working for a Catholic school board. On the one hand, many shared that they were attracted to work at a Catholic school board because it represents their Christian values. However, there were employees who felt disappointed that these values were not exhibited within their work environment on a daily basis. They felt that some staff did not treat their colleagues in a Christian-like manner and created a toxic work environment for members of the equity-seeking groups.

Findings and Recommendations

The majority of employees who participated in the consultations for this Employment Equity Audit welcomed it and expressed support for initiatives that would diversify the workforce and foster more inclusive workspaces.

However, not all employees expressed support for this work. Certain respondents said that the Board has already done more than enough to advance workplace EDI, with some feeling that efforts are putting White people and/or White men at a disadvantage in the workplace. They do not understand the need for or the purpose of this work. As such, as the Board engages in this work it also needs to educate its employees to address these concerns.

Given that there are differing perceptions about whether the YCDSB workforce is reflective of the diversity of its student population, it will be important for the Board to conduct a Staff Census to understand the diversity of the workforce and establish the impact of barriers to hiring and advancement. This data will be helpful for employees to understand the need for the Board's EDI efforts.

The development of a comprehensive Employment Equity Strategy, grounded in evidence from this Employment Equity Audit and the Staff Census, will help employees understand the need for engaging in this work. This strategy should also establish that the Board has an obligation to respond to employee concerns, has legal obligations to ensure non-discriminatory practices, and is committed to connecting these efforts to student academic achievement and well-being. This strategy also needs to include training to ensure that managers and school and system leaders are developing the competence and confidence to diversify the workforce and foster welcoming and respectful workplaces.

Recommendation 60: It is recommended that a Staff Census be conducted to understand the diversity of the Board's workforce and develop strategies to close any gaps in representation.

Recommendation 61: It is recommended that an Employment Equity Strategy be developed with the goals of diversifying the workforce, embedding equity throughout the Board's human resource policies and practices, fostering more welcoming and inclusive work environments, and ensuring accommodation and accessibility in compliance with the Ontario *Human Rights Code*.

Recommendation 62: It is recommended that a multifaceted communications/ learning plan be developed that is updated on an ongoing basis and that may include newsletters, lunch and learns, book clubs, podcasts, and other informal methods of promoting knowledge, resources, tools, and practices, etc., with the goals of:

- Increasing employee understanding of workplace equity, diversity, and inclusion
- Developing the competence and confidence of employees, particularly those in leadership positions, to support the implementation of the Employment Equity Strategy
- Defining key terms and concepts
- Communicating a business case for workplace equity, diversity, and inclusion that links the organization's equity, diversity, and inclusion efforts to student success and to its Catholic values

Recommendation 63: It is recommended that all supervisory officers learn about equity in leadership and receive individual coaching as needed. This will support their ongoing development and deepen their ability to lead the Board's equity efforts and embed equity into all that the Board does. This should include how to lead this work within a Catholic framework.

Recommendation 64: It is recommended that the Board share this report and the resulting Employment Equity Strategy with employees and members of the school community. They should also provide regular updates with respect to implementation to better support employees to understand the need and rationale for the Board's workplace EDI efforts.

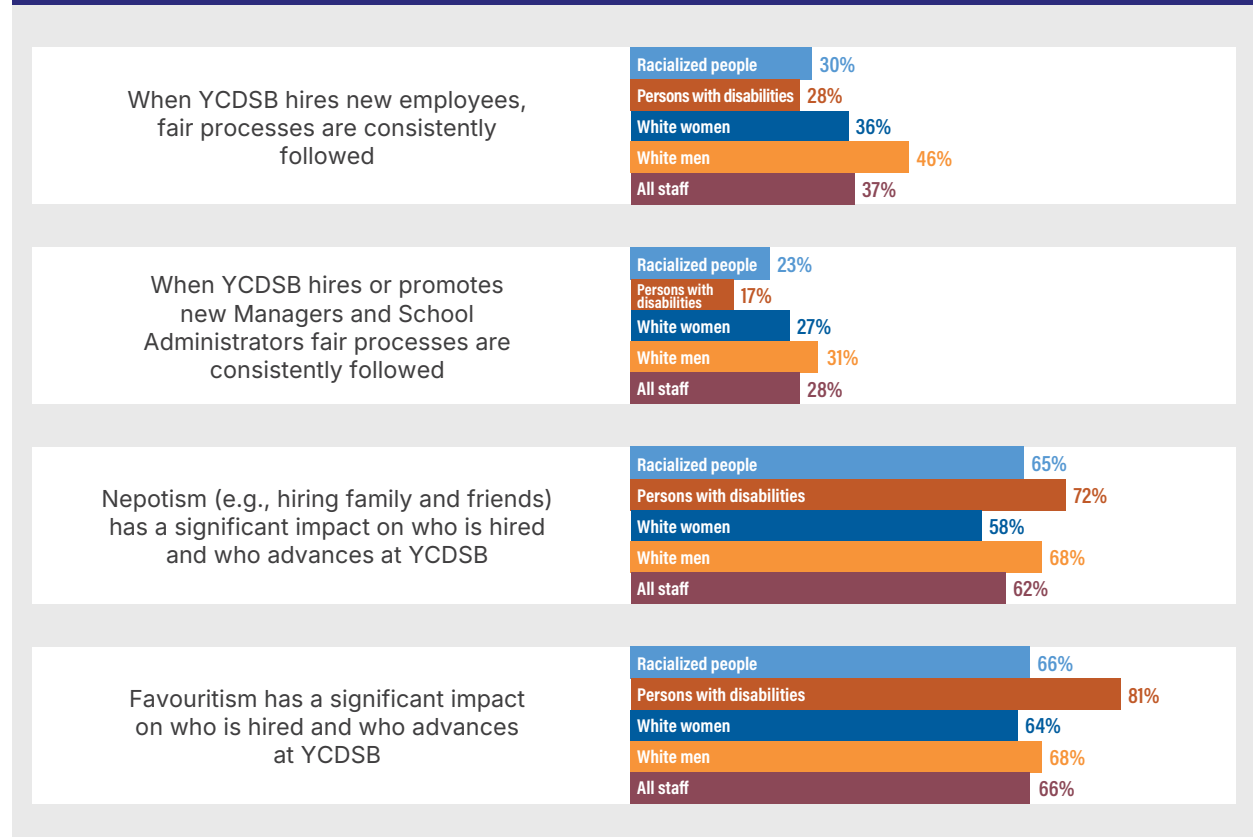
Recommendation 65: It is recommended that issues of workplace equity and human rights be embedded into all other training, as appropriate, so that employees and school and system leaders are able to see the connections to all the work they do.

Recommendation 66: It is recommended that the Board conduct another Staff Census and Employment Equity Audit in five years to assess progress and develop a new Employment Equity Plan.

12.2 Hiring and advancement

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

Graph 2. Employee Perceptions of the Hiring and Selection Process.



As Graph 2 shows, fewer than half of survey respondents expressed confidence that fair and consistent hiring and advancement practices are followed when YCDSB hires new employees or when new managers and school administrators are hired. Racialized employees and employees with disabilities were the least positive about the Board's hiring practices. While White men were the most positive, fewer than half of White men who completed the survey agreed that fair processes are followed when hiring is conducted.

The majority of survey respondents from all groups believed that nepotism and favouritism play a significant role in hiring and advancement at YCDSB. In the focus groups and the comments to the online survey, consultation participants shared their perception that rather than being hired and advancing based on merit, they felt hiring and advancement was relationship-based. They shared that those with personal connections to others at the Board are called upon to fill vacant positions, while others who may be more qualified are unable to be hired into permanent or long term

occasional (LTO) positions. Some shared that certain qualified teachers have left to work at other school boards because they are unable to secure a permanent position at the YCDSB because they lack the needed personal connections.

As some people commented:

- *Those who do not have relatives or close friends/connections at YCDSB are also disadvantaged in the hiring and advancement process. There have been numerous instances whereby less qualified/less tenured employees have been granted positions because of their personal relationship with admin staff. Staff are fearful to voice these concerns to the union/employer due to repercussions from admin staff.*
- *It seems like hiring is more about who you know and less about the qualifications and skills candidates have.*
- *I've witnessed it myself—seeing [the spouse of a teacher] come in as a supply when other people have been waiting to get phone calls to come in for on-call work.*
- *There have been times where jobs would go for weeks without being filled—only to find out that somebody with much lower seniority who knew the principal was given the job, making it clear that the principal waited until that person showed up on their list to give them the job. Nepotism is a big problem.*

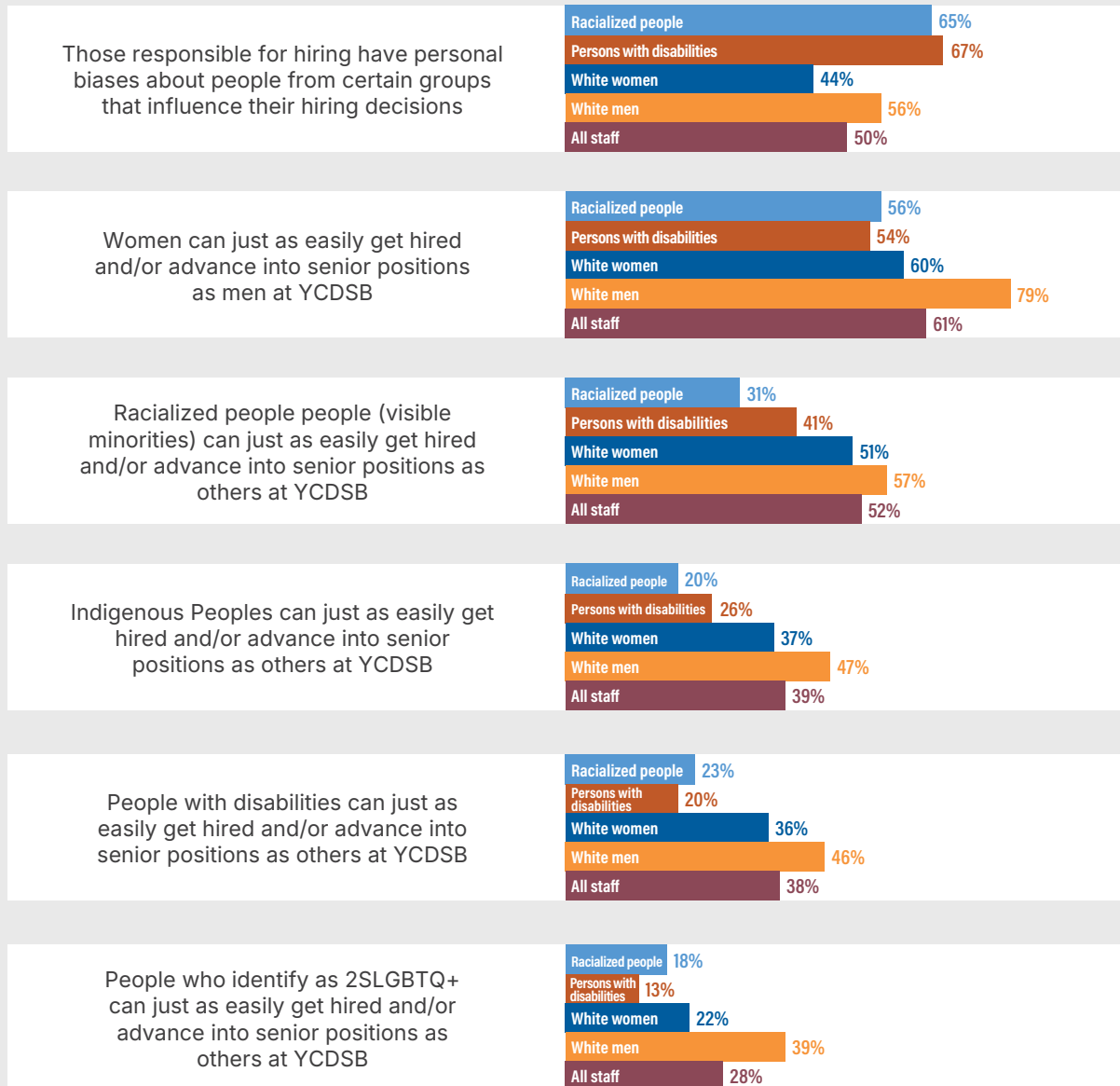
Many also shared their lack of trust in the hiring and promotion processes more generally, including a lack of transparency about the processes:

- *I don't think the hiring process and interview practices allow for the best and the most qualified people to be hired or promoted for jobs.*
- *There should be more supports and opportunities made public for advancement opportunities and online workshops to explain how to strategically position oneself to get hired or promoted.*

Some noted that personal connections impact not only whether one is hired and promoted, but also all aspects of employment. They felt that those with personal connections can negotiate better schedules, are more likely to get requested time off, and often have inappropriate behaviours overlooked.

The survey also asked employees whether they believe that those responsible for hiring have personal biases about Indigenous peoples and people from the equity-seeking groups that influence their hiring decisions.

Graph 3. Employee Perceptions of Bias in the Hiring and Selection Process.



As Graph 3 shows, racialized employees and employees with disabilities are more likely to believe that biases impact one's ability to get hired and/or advance at the Board. While a significant proportion of White men also agreed, they are less likely than these groups to believe that biases impact one's ability to get hired and/or advance at the Board.

A large number (65%) of racialized employees and employees with disabilities (67%) agreed that those responsible for hiring have personal biases about people from certain groups that influence their hiring decisions. Smaller proportions of White women (44%) and White men (56%) agreed with this statement.

Survey respondents were also asked whether they believe that various groups can just as easily get hired and/or promoted at YCDSB. Again, racialized employees and employees with disabilities were less likely to agree that women, racialized people, Indigenous peoples, persons with disabilities, and 2SLGBTQ+ individuals can just as easily get hired and/or advance into senior positions at the Board. White men were more likely to believe that members of each of these groups could just as easily get hired and/or advance at the Board as others. While White men were the most positive about the ability of Indigenous peoples, people with disabilities, and 2SLGBTQ+ people to get hired and/or advance at the Board, fewer than half of the White men who responded to the survey agreed that this was the case.

Survey respondents and focus group participants shared specific concerns about the barriers to hiring and advancement for Indigenous, racialized, and 2SLGBTQ+ people, as well as women.

Indigenous peoples

Many employees shared their perception that very few Indigenous peoples are employed at the YCDSB workforce outside of the Indigenous education positions. Indigenous staff who participated in the consultations shared their perception that the longstanding practice of nepotism has historically excluded Indigenous peoples from the Board because they don't have the personal connections needed to be hired into and advance within the Board. Some shared experiences of qualified Indigenous peoples being passed over in favour of people known by those on the hiring panel.

Participants also shared their perspective that the lack of Indigenous representation is not simply an issue of workplace equity. They feel that this lack of representation also impacts the Board's Indigenous education initiatives because there is a lack of Indigenous teachers and school administrators to authentically lead these efforts. They also raised concerns about the impact on Indigenous students who don't see themselves reflected among Board staff and leaders.

Racialized people

Similar to the issues raised for Indigenous peoples, racialized people shared their perception that they are underrepresented at the YCDSB compared with the student population. They also felt that the historical reliance on hiring based on personal and familial relationships has contributed to the low representation of racialized people working at the Board. As one participant shared:

- *I am aware of Asians applying for senior administration positions, but they either do not get interviews or are generally not successful in the end. There are conscious biases as interviewers and those making decisions tend to hire people who they know or used to work with, which inevitably puts others who are not in the same social circles at a disadvantage.*

2SLGBTQ+ employees

Concern was raised by 2SLGBTQ+ employees and their allies about the ability of these employees to be hired and advance at the Board. Many shared their concern that recent decisions by trustees had a significant impact on current 2SLGBTQ+ employees as well as prospective employees who may not see the YCDSB as a safe and welcoming place to work. These employees felt that the controversy and the decision made has harmed the Board's reputation and has impacted the Board's ability to hire not only 2SLGBTQ+ employees but also those who are seeking an employer that values diversity.

As these employees shared:

- *I think that staff of the 2SLGBTQ+ community may not want to work for our school board because of not feeling welcome and supported.*
- *Based on the very public views and behaviour of the majority of the trustees, I believe that anyone who is part of the LGBTQ population would be at a distinct disadvantage. I am not part of that community, but I have colleagues who are, and who are terrified to let anyone know about themselves for fear of discrimination, ridicule, and public shaming by parents/members of the community.*

Women

Another theme shared throughout the consultations is that while the majority of teachers are women, they are not as well represented among school leaders. Many shared that the "boys club" meant that men support one another to advance at the Board to the exclusion of women. Some noted that the YCDSB has only recently been making a concerted effort to increase gender and racial diversity among system leaders. While they commended the Board for these efforts, they felt that more is needed to increase diversity among managers and school leaders. As one person noted:

- *The Board also has a "boys club" for principals—they need to stop hiring only men that are part of this club for certain positions.*

Barriers to other groups

Survey respondents also shared their perspective that other groups experience discrimination or are disadvantaged in the hiring and advancement process.

Older workers: There was concern shared that older workers are also at a disadvantage within the YCDSB workforce. These employees felt that older workers are not seen as capable and productive employees and are often passed over in favour of hiring younger workers.

Practising Catholics not affiliated with a church: Concern was also raised that teachers who are practicing Catholics but aren't affiliated with a church experience barriers to hiring and advancement because of the requirement for a pastoral reference letter. This occurs both when seeking employment with the Board and when seeking advancement. This requirement could have a disproportionately negative impact on Indigenous teachers and teachers from the equity-seeking groups who may be practising Catholics, but who may not be affiliated with a church or who may not be able to meet the church's requirements for receiving a pastoral reference letter. As some of these employees commented:

- *Indigenous peoples who are struggling with their Catholic faith as a result of the legacy of residential schools may not feel comfortable with the Church and may have difficulty obtaining a pastoral reference letter. 2SLGBTQIA+ people may also have difficulty if they do not feel welcome at their local Catholic church, depending on the priest and the church community.*
- *I know a staff member who shared with me that they experienced childhood trauma as a result of the Catholic Church and now this is impacting them getting a recommendation, which means they will be unable to be hired permanently.*
- *I was mortified by [the comments from a priest] during my most recent reference interview and the fact that I need to submit myself to this rhetoric in order to advance myself within the Board is traumatizing. It is not a bona fide job requirement.*

In addition, several employees from all backgrounds shared that they were unable to get a pastoral reference letter because of the requirement that they volunteer at the church in order to receive this letter. They shared that they simply don't have enough spare time to meet this requirement due to work and family commitments. It is important to note that each church has its own requirements for providing pastoral reference letters, with some not including a requirement to volunteer.

White people and/or White men

The majority of employees who completed the survey felt that the Board was at the beginning of its equity journey and that much more work is needed to advance workplace EDI at the YCDSB. However, there are also some employees who shared their perspective that the Board has done too much in this regard and that it is currently White people and/or White men who are disadvantaged at YCDSB. As some of them shared:

- *As the board is trying to balance equitable hiring between identified groups, qualified people are overlooked as they do not fall into any of the identified groups.*

- *Whites or Caucasians are actually discriminated against because there are so many visible minority hiring boxes that need to be checked off prior to accepting any more Caucasians.*
- *I believe that White males and also females are being discriminated against.*
- *People who look White will struggle to get hired unless they tick a box. I would like not to believe this but was told by higher administration that this was the agenda: "Weeding out the old White men."*

Findings and Recommendations

Input from employees indicate that they lack confidence in the fairness of the Board's hiring and promotion process. The majority shared the sentiment that not only do biases toward Indigenous peoples and those from the equity-seeking groups impact their ability to be hired and advance at the YCDSB, but also that the historical and current practice of nepotism essentially maintains the underrepresentation of Indigenous and racialized people at the Board.

While there is no way for us to verify the extent to which nepotism occurs within the Board, it is important to note that the perception alone can have a significant impact. The perception that the process is unfair can create barriers when people who are capable and qualified do not apply to positions because they believe that the process is unfair or the outcomes predetermined. While we have made recommendations earlier in this report to address the need to strengthen the hiring and promotion policies and process, additional action is needed to help employees understand the Board's need to diversify the workforce and to communicate the changes to these processes in order to strengthen employee confidence.

Recommendation 67: It is recommended that the YCDSB communicate changes to its hiring and promotion procedures to increase confidence that these processes are fair and will be used to increase diversity within the YCDSB workforce at all levels.

Recommendation 68: It is recommended that all newly hired staff complete a Staff Census and that the Board assess its efforts to diversify the workforce.

Recommendation 69: It is recommended that, where possible, newly hired Indigenous teachers and teachers from the equity-seeking groups be partnered with experienced Indigenous teachers and teachers from the equity-seeking groups through the New Teacher Induction Program to support their success in the role.

12.3 Accommodation

The Ontario *Human Rights Code* prohibits discrimination on a number of grounds and requires that employers provide accommodation to support employees to complete their work and engage with the workplace. In addition to complying with the Code, employers 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 be considered discrimination under the Code.

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

12.3.a Accommodation for persons with disabilities

The Workplace Equity and Inclusion Survey asked employees about whether they would request accommodation if they had a disability.

Graph 4. Accommodation for Disabilities.



Overall, 72% of survey respondents agreed that if they became disabled or injured and needed accommodation (either temporarily or permanently) to do their job, they would not hesitate to ask. White men were the most likely to report that they would ask for accommodation in this situation (79%), whereas persons with disabilities, the group most likely to require accommodation for a disability, were least likely to report that they would ask for accommodation in this situation (64%). Responses were similar when respondents were asked whether they would request accommodation if they had a physical disability that was not evident.

However, survey respondents expressed more hesitancy to request accommodation for a mental health issue. Only 50% of all survey respondents agreed that they would not hesitate to ask if they had a mental health issue and needed accommodation.

12.3.b Religious accommodation

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

The Workplace Equity and Inclusion Survey asked employees whether they understand that they may request religious accommodation.



Only 47% of all survey respondents indicated that they understand that they can ask for creed/religious accommodations. Fifty per cent of White women and smaller proportions of racialized respondents (43%), respondents with disabilities (44%), and White men (42%) reported that they understand that they can ask for creed/religious accommodation.

Very few survey respondents commented about needing or requesting religious accommodation. When they did, they expressed negative experiences or perceptions of requesting religious accommodation.

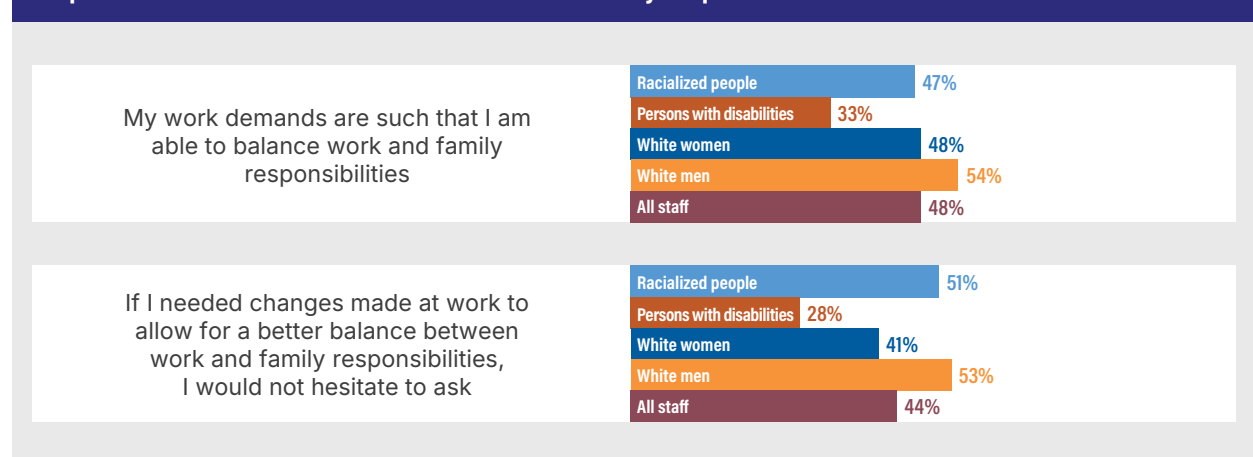
- *YCDSB does not honour, respect, or acknowledge creed accommodations or requests.*
- *I would not feel comfortable requesting any accommodation based on religion or creed. I would fear even bringing up anything religious for fear of persecution.*

12.3.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 with balancing the demands of their careers and caring for their families. Workplaces that are not supportive of women with family responsibilities can limit the ability of women 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 6. Work-Life Balance and Accommodation for Family Responsibilities.



Overall, 48% of survey respondents indicated that their work demands are such that they can balance work and family responsibilities. In addition, 45% of respondents reported that if they needed changes made at work to allow for a better balance between work and family responsibilities, they would not hesitate to ask. White women were most likely to agree with these statements while persons with disabilities were least likely.

Educators unable to have a good work–life balance

In the comments to the online survey and in focus group discussions, employees shared that their ability to maintain a good work–life balance depended on their role. Teachers and school leaders shared that this was near impossible for them. Many noted that educators have historically had poor work–life balance, and that their workload has only increased in the past few years. Many connected their lack of work–life balance to provincial policies, new curriculum, staff shortages, increased class sizes, and increased dysregulation of students resulting from the pandemic. As employees commented:

- *There is no work–life balance based on all the expectations at the teacher level. There is no time to complete and keep track of all the responsibilities including preparing, marking, communicating with parents, supervising extracurricular activities, monitoring attendance issues ... the list goes on. I am always behind in both work and family life.*
- *The culture is one that continues to demand with complete disregard of the employee as a whole individual with priorities outside of the workplace as well as professional goals.*
- *I love my job, but I feel I have so many extra responsibilities (trips, clubs, supervisions, coverage, organizing school activities, volunteering) that I have no time for actual planning, marking, or classroom-related work during the workday on my prep period. (My workday is also often longer due to these responsibilities and I often work through lunch.) These are not things I can easily say no to. I have to take all of this home to work on after the school day is done. My work–life balance is not at all balanced.*
- *I have been a teacher for 24 years and I have NEVER had a healthy work–life balance. In order to do our jobs well, our personal time must be sacrificed. This is time away from our friends and families. It is also time away from ourselves to explore and pursue private interests. The growing needs of a classroom, with the reduced support AND reduced training, make it impossible for our personal lives not to suffer. Due to lack of training/in-services, teachers are forced to spend hours of their own time teaching themselves new concepts and practices.*
- *The amount of work being placed on admin is overwhelming and interferes with personal/family time.*
- *Due to staff attrition and retention issues, I think the workload for many positions has ballooned and become unmanageable. It becomes very difficult to maintain balance and I fear many of my team members*

(including myself) are coming very close to burnout. In our department alone, we have had many staff members go on stress leave, and I know many are questioning whether their current work situation is sustainable.

Some felt that the pressures of the job and the amount of work impacts not only their home life, but also their mental health, which can lead to burnout. They shared that while the Board is increasingly focused on wellness and work-life balance, for many employees the workload of the job makes it impossible for this to be a reality for them.

Impact on careers

Some consultation participants also felt that trying to maintain an effective work-life balance means saying no to supporting extracurriculars or engaging in other activities, which could ultimately have a negative impact on their careers. Some also shared the concern that they may be seen as lazy or not willing to work hard.

- *I found my work-life balance very late in my career and it came at the expense of giving up most of my portfolios and titles. I don't regret it... but it's unfortunate.*

Disconnecting from work

In compliance with provincial legislation, the YCDSB has implemented a policy that respects the ability of employees to disconnect from work. A number of employees commented on this new policy and felt that it contributed to a better work-life balance. However, others felt that the policy is not being respected by their manager or school leader and should be better enforced.

12.3.d Experience requesting and receiving accommodation

Employees were also asked whether they have requested accommodation, and if so, what that experience was like. Overall, 23% of survey respondents (163 respondents) reported that they have requested accommodation based on any Code-protected ground.

The following themes emerged from the analysis of their responses. While some survey respondents did share positive experiences of requesting and receiving accommodation, the majority shared negative experiences—both with the person they report to and with Human Resource staff. The input shared by employees suggests that leaders are unwilling to provide or are unaware of their obligations to provide accommodation. This shows up in requests being ignored or accommodations denied. For others, an accommodation plan is developed but not followed by their manager or school administrator.

Good experience

Several employees reported that they have had positive experiences requesting and receiving accommodation. Not only were they happy with the accommodation provided, but they also felt that they were treated with respect and compassion throughout the process. As these employees commented:

- *Every person I worked with or needed to speak to was helpful and kind.*
- *I had to request [a leave for family care responsibilities] and my manager was very supportive and advocated on my behalf with HR. My request was accepted.*
- *This was under a principal who was very supportive, compassionate, and accommodated my request without question. Very impressed!*
- *I was listened to and believed, [and] my medical certificate was believed. Choices were made based on those truths that I feel allowed me to continue to be an effective member of staff.*
- *Amazing supports on more than one occasion. Best employer I have ever had.*

Negative treatment

Numerous employees described having difficulty reaching appropriate staff and having their questions answered, as well as a time-consuming and difficult process. Some described being treated poorly, calling some staff “extremely rude” and mentioning that some had a “scolding attitude.” Some also shared their perspective that whether one gets the needed accommodation is dependent on their relationship with their manager or school leader.

- *There is a very tense environment in the school board regarding accommodations or asking for support as there is judgement and it is perceived that you are incompetent when in reality you just need support due to physical or mental health needs. When you take time off work or require accommodations, you feel that you can't without further consequences.*
- *[My accommodation was not provided for months.] It was frustrating, and I did not feel that I was valued. I struggled to get through my days and push through. ... I am so reluctant to even request accommodation because of the way I was treated in this current situation. It is awkward and uncomfortable.*
- *The process when needing an accommodation in the workplace is so stressful and time-consuming. It is not worth the trouble and challenges it takes to implement.*

Accommodation denied or not respected

Some employees also shared that their accommodation request was denied. While the Board has a legal obligation to provide accommodation short of undue hardship, from the information provided by employees, the denial of their accommodation in many instances was unrelated to this threshold. For others, while accommodation was initially provided, it was not consistently provided, leading to a further worsening of their medical condition and mental health.

- *I was told occasional teachers get no accommodations. That was the extent of the conversation.*
- *Principal was NOT willing to accept my accommodations.*
- *Having accommodations in my workplace for my previous [physical] injury was terrible. The core teachers that were in charge of making the schedule had me [doing work] that further injured myself. ... When I stood up for myself, it was a fight. I was then made to feel bad all the time for asking for accommodations. Eventually I had to take a leave for my mental health.*
- *I need accommodation for a disability, and it has been years trying to get an accommodation plan. The plan was put together, [and] we discussed what I cannot do. As soon as I sit in the seat, it was all ignored.*

Breach of confidentiality

Some employees also shared that their manager or school leaders breached confidentiality and discussed their need for accommodation and private medical information with staff.

- *The principal openly discussed my confidential information in front of staff. No professionalism. They humiliated and embarrassed me many times in front of staff as they laughed.*

Experienced discrimination or reprisal for requesting accommodation

Some employees also shared that they were treated poorly because of their need for accommodation and/or because of their disability.

- *The climate is such that these kinds of accommodations or absences are looked down upon and instant negative assumptions are made of you as an individual and professional.*
- *Once it became known that I had a disability, my previous principal began treating me differently. Before that I was a "rock star."*
- *First, I got rejected for temporary accommodation and after that I was discriminated for being on accommodation status.*

Required to annually confirm their need for permanent accommodation

Some employees shared that despite having a permanent disability that has been confirmed by their doctor, they are required to annually confirm their disability and the need for accommodation.

- *I think it is ridiculous that even with a permanent disability that requires a permanent accommodation I need to submit a doctor's note EVERY YEAR even though my doctor has stated several times on the note/certificate that my disability WILL NOT CHANGE and my accommodation will be required until the day I retire.*
- *I have a medical need that is chronic ... yet the board still wants yearly doctor's notes. Even the ones I have provided say it's chronic and it will not go away in my life ever.*

Lack of information

Employees also shared that there is a lack of information about the accommodation process with managers and school leaders, who often do not understand their duty to offer accommodation and what they should do when a request is made. They felt that much more communication is needed to help employees and managers/school administrators understanding their rights and responsibilities as it relates to accommodation.

Remote work

The ability to work from home was also raised as an issue throughout discussions with employees.

First, it was raised as an accommodation that some employees have requested based on a Code-protected ground, which was denied.

Staff also felt that while they were able to effectively work from home during the pandemic, they are no longer able to work from home, even when they have requested it as an accommodation. They contrasted the resistance to allowing them to work from home as an accommodation with the experiences of some employees who are able to work remotely for personal reasons.

Remote work was also raised as a way to support work-life balance and an issue that disproportionately impacts employees from the equity-seeking groups. For example, it reduces stress and commute time for women with young children; it reduces exposure to microaggressions and psychological stress for 2SLGBTQ+, racialized, and Indigenous employees;³⁹ it reduces the challenges of commuting for some persons

³⁹ Sharma, A. (2021, November 29). For BIPOC employees, remote work meant a welcome break from office microaggressions. *CBC News*. <https://www.cbc.ca/news/canada/ottawa/bipoc-employees-return-to-office-hesitant-1.6264151#:~:text=Usually%2C%20microaggressions%20are%20much%20more,easier%20to%20avoid%20such%20behaviour.>

with disabilities; and it reduces exposure to communicable diseases for those who are immunocompromised.⁴⁰

The Board is currently undertaking a pilot program that allows employees to work from home one day a week. As this is a pilot program, it is subject to change at any time. Some shared their perspective that the number of days Board employees can work from home is fewer than what other organizations offer, which may deter employees from applying to YCDSB. As some employees shared:

- *With the exception of school site visits, all of my work can be performed remotely [but] there is no accommodation to work from my home office.*
- *Someone [had an injury] and could not drive. They were willing to work from home, but management said, "No, take sick time." Management works from home all the time but does not allow the staff to do the same.*
- *There are inequitable practices with respect to "work from home" options.*

Findings and Recommendations

There is a gap between what employees share as their experiences and the responsibilities of the Board to provide accommodation based on any Code-protected ground, short of undue hardship. This suggests that more needs to be done to ensure that employees understand their right to accommodation based on any Code-protected ground and the process should it be unfairly denied; that managers, school administrators, and Human Resource staff understand their role to provide accommodation and the process for doing so; and that employees are treated with dignity and compassion during the accommodation process.

Information should also be provided so everyone understands the accommodation process, what type of information will be requested, and why that information is needed.

⁴⁰ Gonzalez, A. (2024, July 18.) How remote work supports disability inclusion. *Forbes*. <https://www.forbes.com/sites/aliciagonzalez/2024/07/18/how-remote-work-supports-disability-inclusion/>

Recommendation 70: It is recommended that training and ongoing education be provided to all school and system leaders to address ableist attitudes, to better understand their legal obligations under the Ontario *Human Rights Code* to provide accommodation, and how the Board benefits from providing accommodation to enable employees to keep working and to do their best work. This training should also help supervisors understand the range of physical and mental disabilities, both evident and non-evident, for which accommodation may be requested, the types of accommodation that may be provided, and the principles of accommodation. This training should also address the obligation of all people leaders to keep the employee's information confidential.

Recommendation 71: It is recommended that the YCDSB prioritize developing and revising policies and practices that support a healthy balance between work and personal life. This could include flexible work arrangements and work from home options where the type of work allows it.

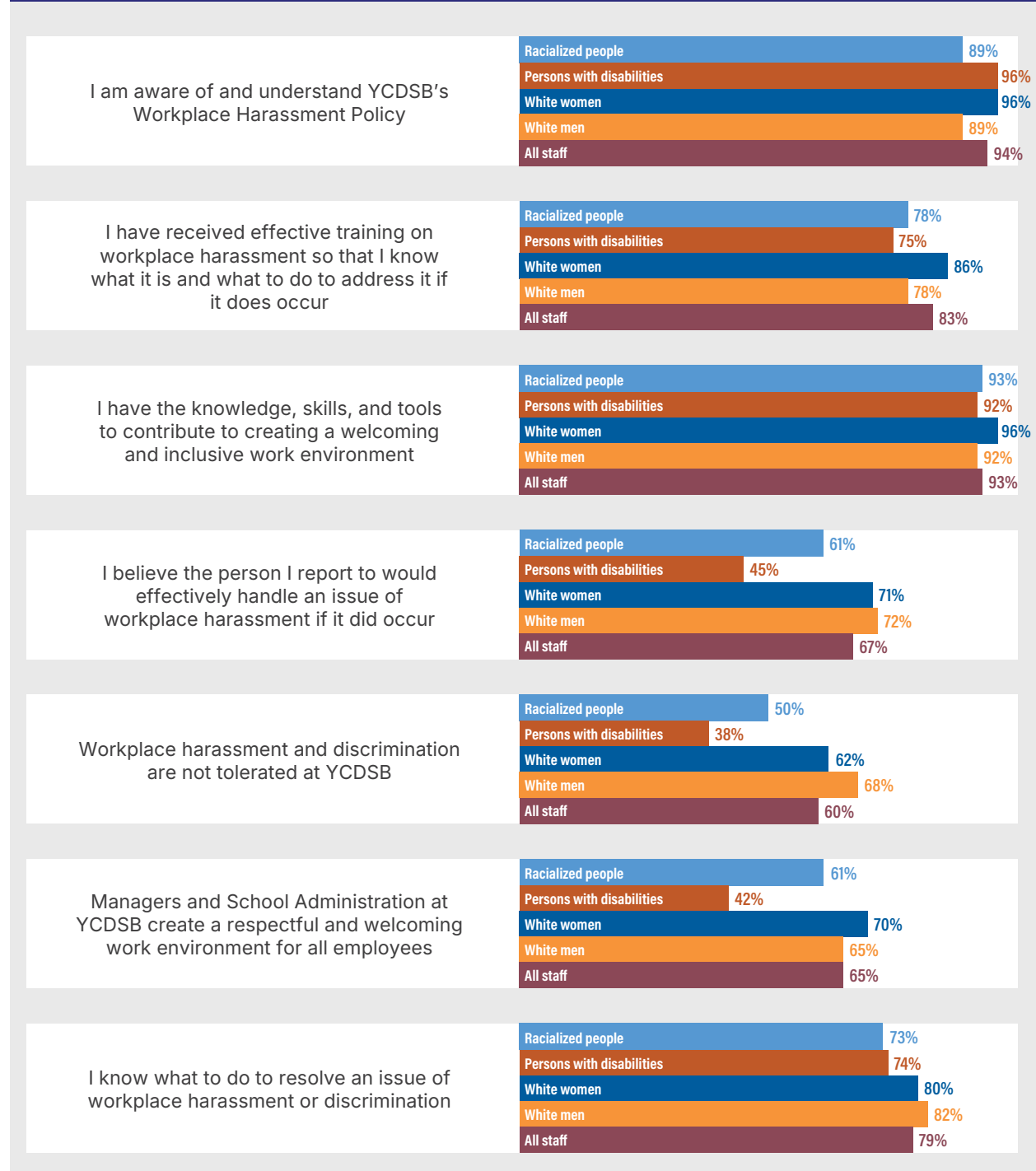
Recommendation 72: It is recommended that the Board educate all employees about their rights regarding workplace accommodation, based on any Code-protected ground, and the process of obtaining said accommodation. Emphasis should be placed on explaining the Board's legal obligations under the Ontario *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 73: 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.

12.4 Respectful work environment

The Workplace Equity and Inclusion Survey asked employees to share their understanding of the Board's harassment and discrimination prevention policies and their perspectives about and experiences of harassment and discrimination in the workplace.

Graph 7. Awareness of Workplace Harassment and Discrimination Prevention Policies and Programs.



Graph 7. Awareness of Workplace Harassment and Discrimination Prevention Policies and Programs. (cont.)

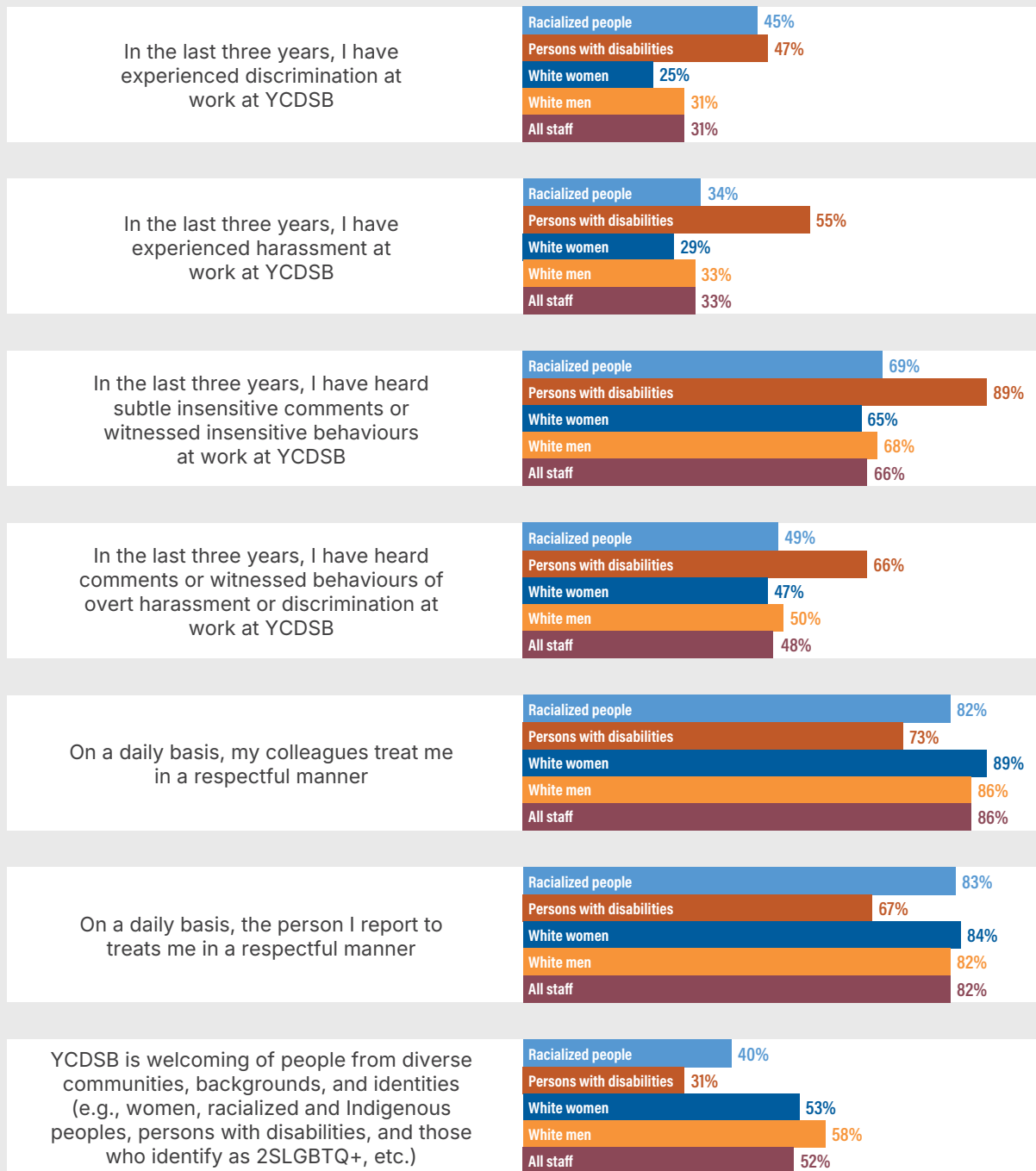
As Graph 7 shows, the Board has done a good job communicating its Workplace Harassment Policy to staff. The vast majority reported that they are aware of and understand this policy, have received effective training on workplace harassment, feel that they have the knowledge, skills, and tools to contribute to creating a welcoming and inclusive work environment, and know what to do to resolve an issue of workplace harassment or discrimination.

However, fewer employees believe that these policies are effectively implemented within the organization. Smaller proportions of employees believe that harassment and discrimination are not tolerated at the YCDSB, that managers/school administrators create a respectful and welcoming work environment for all employees, and that the person they report to would effectively handle an issue of workplace harassment if it did occur. While the majority of survey respondents (65%) agreed that they would file a formal complaint if they experienced workplace harassment or discrimination that they could not resolve on their own, only 46% believed that if they filed a complaint, it would be handled appropriately.

Again, White women and White men had more confidence in the process to address issues of harassment and discrimination than their racialized colleagues and colleagues with a disability.

The survey also asked employees about their experiences of harassment and discrimination at the YCDSB in the past three years.

Graph 8. Experiences of Workplace Harassment and Discrimination.



While only about a third of all employees report that they have experienced discrimination (31%) or harassment (33%) at the Board in the last three years, 45% of racialized staff and 47% of staff with disabilities reported that they experienced discrimination and 55% of staff with disabilities experienced harassment during this time.

Two-thirds of survey respondents (66%) reported that they have heard subtle insensitive comments or witnessed insensitive behaviours at work while almost half (48%) reported hearing or witnessing overt harassment or discrimination. Far more persons with disabilities reported hearing or witnessing subtle (89%) or overt (66%) harassment or discrimination.

Only about half of all survey respondents (52%) agreed that the YCDSB is welcoming of people from diverse communities, backgrounds, and identities. Again, while low, the proportion of White women and White men who agreed with this statement was higher than it was for racialized employees and employees with disabilities.

Despite this, the majority of each group reported that on a daily basis, their colleagues and the person they report to treat them in a respectful manner.

Survey respondents were also asked to share their experiences with discrimination and harassment at YCDSB. The following themes were identified in their comments:

Inappropriate behaviours and complaints of harassment are ignored by manager and/or school administrator

One theme that arose from employee comments to the survey is that their reports of harassment have been ignored by their manager or school leader. Some also shared that they experienced a lack of support from their union when trying to pursue a harassment complaint.

In addition, some employees shared their perception that who the perpetrator is also impacts whether the manager or school leader addresses the inappropriate behaviours. In particular, they felt that when the perpetrator has a personal or familial connection to a leader or someone with influence at the Board, their behaviours are not addressed.

Some respondents also felt that harassment and discrimination was a frequent element of their workday, occurring openly in the presence of managers, school leaders, or system leaders without being addressed. As these employees shared:

- *At this school, I found it shocking how openly harassment and discrimination happened.*
- *I've contacted my manager multiple times for support regarding workplace harassment and disrespectful behaviour, but his response was that I should swallow my pride. I even spoke with the superintendent and asked for assistance, but never heard back.*
- *Whenever I voice a concern, it is swept under the carpet and dismissed with individuals talking in circles around it.*

- *It is tolerated and condoned and nothing is done about it if the offender is a member of the corrupt YCDSB friends and family club.*
- *I had a parent harass me... Both the union and board were involved, yet neither did anything to resolve the issue. I think this was because of a possible relationship with a higher-up in the board.*

Adverse report requirement deters reporting

In addition, a number of teachers shared concern that when they have made a complaint, even one of serious inappropriate behaviours, they have been told by their school administrator that they must first inform the other teacher about the issue.

School administrators point to Section 18(1)(b) of the *Regulation Made Under the Teaching Profession Act*, which states that teachers “on making an adverse report on another member, furnish [them] with a written statement of the report at the earliest possible time and not later than three days after making the report.” The exceptions are related to allegations of sexual abuse under 18(1)(c). Teachers reported that because of fear of reprisal they don’t move forward with their complaint.

There are several concerns about school leaders not accepting these complaints until the perpetrator has been informed. First, this practice creates a barrier to reporting as the teacher may not feel safe to inform their colleague in such a way. As the Ontario Human Rights Commission states:

Since there may be power imbalances at play, or the potential complainant may fear reprisal, or there may be safety issues, do not require complainants to address the matter directly with the potential respondent before using the complaint mechanism.⁴¹

In addition, this requirement is not meant to apply to human rights issues. In fact, some teacher unions clearly carve out an exception for human rights complaints. The OSSTF Constitution places limits on adverse reporting, stating that this obligation does not apply to:⁴²

- *Matters related to the Child, Youth and Family Services Act*
- *Investigations the procedures of which stipulate the confidentiality of proceedings*
- *Matters pertaining to human rights on all protected grounds under the Ontario Human Rights Code and harassment allegations*

⁴¹ Ontario Human Rights Commission. (2013, December). A policy primer: Guide to developing human rights policies and procedures. <https://www3.ohrc.on.ca/en/policy-primer-guide-developing-human-rights-policies-and-procedures/6-procedures-resolving>

⁴² OSSTF. Articles of amendment, bylaw one, constitution and regulations 2024-2025. <https://www.osstf.on.ca/about-us/constitution-bylaws-policies.aspx>

In addition, this is part of the code of conduct within the teaching profession. As such, it is not the responsibility of the Board to enforce.

Fear of reprisal

Employees also shared their fear of coming forward with a complaint of harassment in order to have the issue addressed. They feared reprisal not only from the perpetrator, but because of the close personal and familial relationships within the Board, which led to fear of reprisal from the perpetrator's network. As some employees commented:

- *I was a victim of harassment and was made to feel like I would be blacklisted if I reported it to senior administration since they were best friends with the administrator I wanted to report about. I also did not feel supported by my union, who echoed the same sentiment about being blacklisted. I felt zero support during this time, which had a great effect on my mental health and the way I view this school board and its practices.*
- *I didn't report the harassment. I knew it would be detrimental to my career.*
- *I was blatantly discriminated against. I should have said something and called it out. It would be career suicide if I did, even if brought to senior admin. Anyone supporting me would get backlash.*
- *The Board doesn't want to deal with these harassment cases. It's a stain against our reputation.*

Harassment from parents and students

Concern was also raised that employees experience harassment not only from colleagues, but also from parents and students. Employees shared their perception that these behaviours are less likely to be addressed given the relative power that parents often have.

Lack of action emboldens the harasser

There was concern that the lack of action to address harassment serves to embolden the harasser, who now feels that they can engage in these behaviours without consequence. This phenomenon was noticed by one person, who shared:

- *This lack of action allows those who engage in unkind, toxic, and bullying behaviours to continue and reinforces their sense of entitlement and confidence in continuing damaging workplace behaviour.*

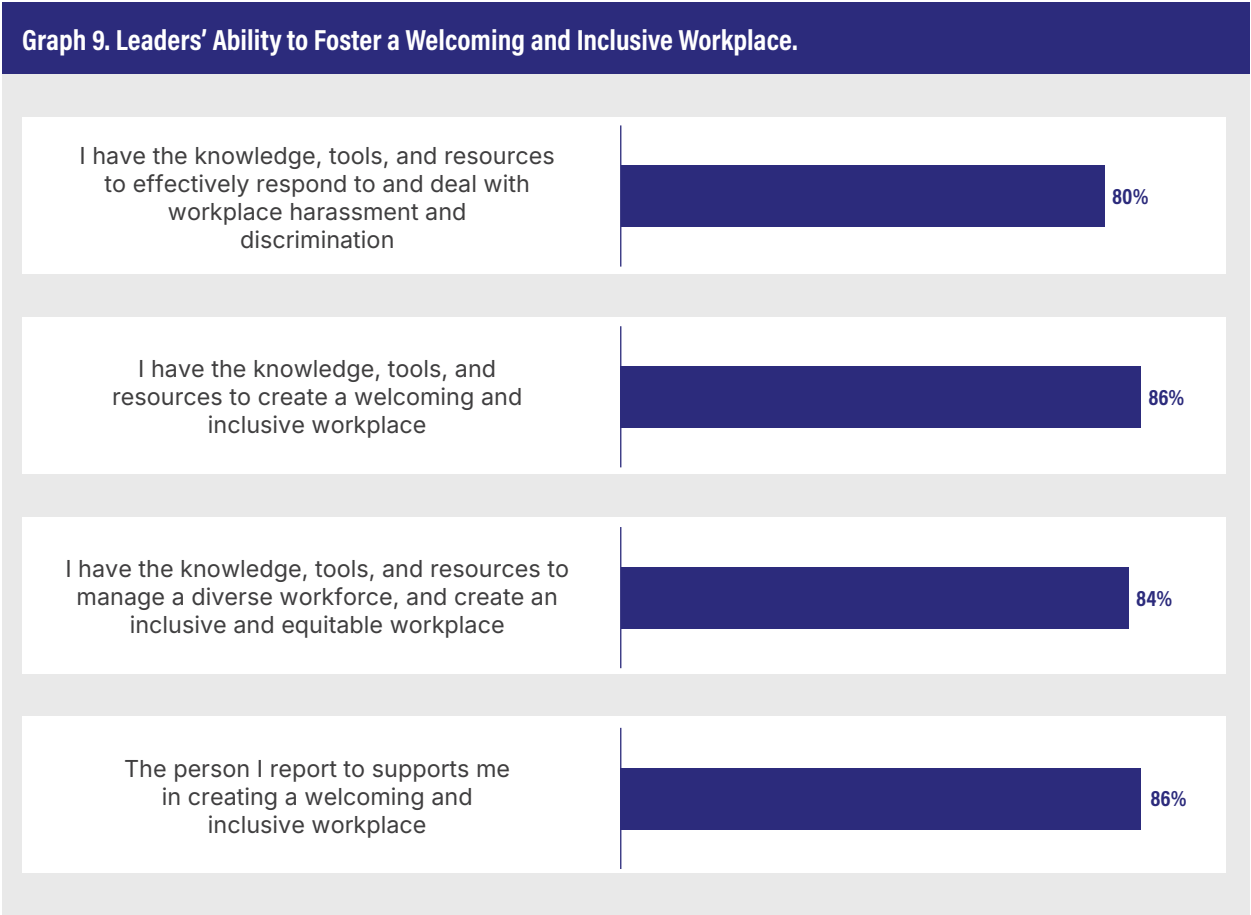
Occasional staff

Occasional staff shared that the precarious nature of their employment with the Board exposed them to more inappropriate behaviours and made them even more hesitant to come forward when they experience inappropriate behaviours out of fear that it may impact their employment.

- *As a daily occasional teacher, I am often treated as a low-life by staff and am often disrespected by students strictly due to the job role that I perform.*
- *Due to the uncertain nature of moving up in this career, I wouldn't want to report someone for harassment, as I don't believe I have enough power in my workplace as a supply.*

Leaders' ability to foster a welcoming and inclusive workplace

The online survey also asked leaders about the knowledge, tools, and resources they have to foster a welcoming and inclusive workplace.



The vast majority of survey respondents reported that they have the needed knowledge, tools, and resources to effectively address workplace harassment and discrimination, create a welcoming and inclusive workplace, manage a diverse workforce, and create an inclusive and equitable workplace. A majority also felt that the person they report to supports them in these efforts.

There were a few leaders who shared that the knowledge, tools, and resources they have acquired to foster a welcoming and inclusive workplace has come from previous workplaces and not from YCDSB training or education. Others shared that it is difficult to have their questions answered and they are often left to manage these issues on their own.

Findings and Recommendations

The employees' input from this section points to the need for YCDSB to continue training on human rights in the workplace. This training is needed for employees to ensure that they understand their obligations to foster welcoming work environments and that their behaviours may constitute harassment under the Ontario *Human Rights Code*. In addition, those in leadership positions need to understand their legal obligations to address harassment when it occurs, foster positive working relationships, and be supported to effectively address issues when they arise.

Recommendation 74: 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, lead by example, and act to stop harassment and discrimination when they witness or hear about these behaviours.

Recommendation 75: Recognizing that a great deal of inappropriate behaviours can be stopped and their impact minimized if they are immediately addressed, it is recommended that all people leaders receive mandatory training that provides them with the knowledge and techniques for intervening when they do witness or learn about these behaviours.

Recommendation 76: It is recommended that the Board clarify with all school leaders and educators that the adverse reporting requirement is not applicable to human rights complaints.

Recommendation 77: 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. Employees should be informed of the processes for reporting harassment from a parent or student.

Recommendation 78: It is recommended that human rights complaint data be compiled annually (by ground, violation, and disposition) so senior leadership teams can identify trends and proactive measures to address any identified issues.

12.5 Experiences of Indigenous peoples and members of the equity-seeking groups

Through the online survey and focus groups, Indigenous peoples, members of the equity-seeking groups, and allies commented on their experiences at YCDSB. The following is a summary of some of the key issues identified for each group.

2SLGBTQ+ employees

By far the most concern that was raised through the online survey was about the experiences of 2SLGBTQ+ employees. These concerns were raised by 2SLGBTQ+ employees themselves and by their colleagues, who were concerned about their well-being.

- *Feeling unwanted, unsafe, and targets of parents and the community:* Concern was raised that the message sent to 2SLGBTQ+ employees because of trustees' decisions is that they are unwanted and their rights will not be protected. Some felt that they are now exposed to harassment from students, parents, and the community. In addition, it further exposes them to harassment from their colleagues, some of whom feel that because this is a Catholic organization, it is permissible for them to be openly homophobic and transphobic.

The Board employs 2SLGBTQ+ employees and has a legal obligation under both the Ontario *Human Rights Code* and the *Canadian Charter of Rights and Freedoms* to foster safe and inclusive workplaces for them and to protect them from harassment and discrimination.

Furthermore, a Supreme Court of Canada decision stated that it is not sufficient for a school board to take a passive role in protecting the rights of 2SLGBTQ+ employees. Instead, school boards have a duty to maintain a positive school environment for all persons served by it and must be ever vigilant of anything that might interfere with this duty.⁴³

- *Unsafe to be open about their identities:* 2SLGBTQ+ employees shared that now more than ever it is unsafe for them to be open about their gender and sexual identities at the Board. Some employees shared that there is a fear among 2SLGBTQ+ employees that they can be fired for simply existing in the Board.

Indigenous peoples

- *Underrepresentation:* Indigenous peoples shared their perception that they are not reflected among staff outside of positions specific to Indigenous education.
- *Barriers to hiring and advancement because they lack the personal and familial relationships:* Many felt that because hiring and advancement is largely based on nepotism, Indigenous peoples have largely been excluded from positions with the Board.

Persons with disabilities

- *Ableist attitudes:* Employees with disabilities shared that ableist attitudes toward what they are able to do creates a barrier to them doing their best work. Some shared that their colleagues feel they are receiving “special treatment” rather than the accommodation they are legally entitled to.
- *Lack of accommodation:* Employees shared that they experience barriers to receiving accommodation because their requests are often ignored. Others shared that despite having an accommodation plan, the agreed to accommodation is often ignored. There were also employees who shared that despite being able to continue to work if accommodation was provided, the person they report to resisted providing accommodation and instead suggested that they go on sick leave.

⁴³ 2001 Supreme Court of Canada case *Trinity Western University v. British Columbia College of Teachers*.

Racialized people

- *Underrepresentation:* Employees from all groups shared their concern that racialized people are underrepresented at the Board compared with their representation among students.
- *Barriers to hiring and advancement because they lack the personal and familial relationships:* Similar to the concerns shared by Indigenous peoples, many racialized people felt that they face barriers because hiring and advancement is largely based on who you know, not what you know.
- *Exclusion and isolation in the workplace:* Racialized employees shared that because there are so few of them in schools and at the Central Board Office, they experience isolation in many workplaces. They shared that they are excluded from conversations and informal networking that happens along ethnic lines at the Board.
- *Microaggressions:* Racialized employees also shared that they are exposed to microaggressions and the racist attitudes of colleagues. They shared that inappropriate and harassing comments are made openly. Because they are often the only racialized person in the space, their colleagues often are unsupportive, and they are left to deal with the issue and the harm on their own.
- *Perceived to be unqualified:* Some shared that they are perceived as being hired because of race, not because of their competence. Some racialized staff shared being told directly by a colleague that they were hired to fill race quotas rather than due to their skills and qualifications.

Women

- *Sex discrimination:* Many women shared their perception that an “old boys club” exists at the YCDSB, with men supporting other men to advance. From their perspective, men advance quicker into positions of leadership.
- *Lack of accommodation for family care responsibilities:* Women continue to have the primary responsibility for child and elder care. As such, they shared that the lack of access to leaves and accommodation for family care responsibilities disproportionately impacts them.

Findings and Recommendations

In addition to fostering a culture of human rights, the Board needs to address the specific issues and challenges experienced by Indigenous peoples and members of the equity-seeking groups. The following recommendations are made to address these issues, along with those made throughout this report.

Recommendation 78: It is recommended that the Board clearly communicate its commitment and legal obligation to protect 2SLGBTQ+ employees from workplace harassment and discrimination to all members of the school community. This information should be in alignment with Catholic teachings to ensure that all employees understand that homophobic and transphobic comments/behaviours are not only violations of the *Human Rights Code* but contrary to Christian values.

Recommendation 80: It is recommended that the Board ensure that third-party investigators of human rights complaints are experts in human rights and the investigation process and include a process for the complainant to participate in the selection of the investigator.

Recommendation 81: It is recommended that the Board continue to establish and provide ongoing support to 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 these groups as a valuable resource to continue its work to identify and remove barriers to employment equity, diversity, and inclusion.

Recommendation 82: It is recommended that the Board work with its EFAP provider to ensure that staff who are Indigenous and from the equity-seeking groups can access culturally appropriate counselling and other resources and supports.

Recommendation 83: It is recommended that the Board ensure that it creates inclusive, anti-racist, and safe workplaces that allow 2SLGBTQ+, 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.

Appendix A: Policies and Procedures Reviewed

Accessibility Standards for Employment Policy
Appointments to Academic Positions of Responsibility
Appointments to Principal and Vice-Principal Positions
Attendance Support Program Policy
Attendance Support Program Process
Cannabis, Electronic Cigarettes, Tobacco – A Smoke-Free Environment Policy
Code of Conduct Policy
Conflict of Interest for Employees Policy
Digital Discipleship: Acceptable Use of Technology Policy
Disposition of Complaints Against Employees Policy and Procedure
Education Workers – Recruitment and Promotion
Electronic Communications and Social Media Policy
Electronic Monitoring Policy
Equity and Inclusive Education Policy
Meta Policy: Policy Management and Governance
Multi-Year Strategic Plan
Occupational Health and Safety Policy
Police Records Checks Policy - Board Employees
Principals' and Vice-Principals' Transfers Procedure
Progressive Discipline of Employees Policy and Procedure
Religious Accommodations Procedure
Right to Disconnect: Fostering a Healthy Workplace Policy
Statement of Compliance
Teacher Recruitment and Selection; Appointments to Supervisory Officer Positions
Whistleblower Policy and Procedure
Workplace Harassment Policy
Workplace Harassment Procedure
Workplace Violence Policy
Workplace Violence Procedure