

WSD Employment Equity Audit

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Executive Summary

The Winnipeg School Division (WSD, the Division) employs over 6,400 employees who directly or indirectly support the education of close to 35,000 students in 65 elementary schools, 14 secondary schools. WSD schools serve students of all abilities representing diverse Indigenous, racial, ethnic, and religious groups as well as diverse sexual and gender identities.

In 2022, WSD sought the services of a consultant to conduct an 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 of Indigenous peoples and the equity-seeking groups
- Examine employment systems in the following areas: selection, hiring or appointments, training and development, promotion, retention, termination of employment, and reasonable accommodations for persons with disabilities, and
- Make recommendations to address any identified barriers and gaps.

The Goal of an Employment Equity Audit

The goal of this work is to assess the organization and provide recommendations to increase diversity, create equitable policies and practices, and create a truly inclusive organization. An inclusive organization is one that not only strives for diverse representation among its employees but also one that embraces, values, and capitalizes on this rich diversity as a source of strength, innovation, and creativity. In an inclusive organization, everyone feels comfortable—free from discrimination and harassment—and supported to achieve and contribute their best. Given the increasing diversity of the City of Winnipeg and the benefits of a diverse workforce to student achievement and well-being, inclusive workplaces have also become a business imperative for school divisions. Creating an inclusive organization is therefore no longer the “nice” thing to do but rather the smart thing to do in order to attract, retain, and benefit from the best talent and to create inclusive learning environments for students.

An inclusive organization does not come about by chance—even in a country that welcomes and champions diversity. Instead, it requires the intentional and persistent

effort of an organization. The journey to becoming an inclusive organization must be deliberately begun, boldly led, and constantly nurtured. It requires time, energy, commitment, tenacity, and the allocation of appropriate financial and human resources. It requires that the approach to building inclusivity be tailored to the organization, with the understanding that this is an ongoing organizational journey and not a one-time initiative.

The WSD serves a growing and increasingly diverse school community. As a public school board that educates the leaders of tomorrow, it is critical that the Division is responsive to its increasingly diverse school communities and ensures that students see themselves reflected at the front of the classroom and as leaders within the Division itself. As a public institution, the WSD also has the moral and legal duty to ensure that its hiring practices are non-discriminatory and that its workplaces are inclusive of the rich diversity of Winnipeg's school community.

Methodology for the Employment Equity Audit

This report is the product of the consulting team's review and analysis of the Division's employment policies and practices as well as employee perceptions and experiences. This Employment Equity Audit aims to identify and make recommendations for the elimination of systemic, cultural, and attitudinal barriers to a diverse workforce, equitable employment policies and practices, and an inclusive workplace.

While the consulting team was open to exploring any issue of equity that arose in the course of conducting the Employment Equity Audit, the research inquiry was focused on issues affecting the groups that have been identified as experiencing persistent and systemic discrimination in the labour market, namely Indigenous peoples, racialized people (visible minorities), persons with disabilities, women, and those who identify as 2SLGBTQ+ (referred to as "Indigenous peoples and the equity-seeking groups" in this report).¹ While the report focuses on these groups, it is important to note that the removal of barriers to the hiring, advancement, and full inclusion of these groups also benefits all employees and offers advantages to the organization as a whole through improved productivity, effectiveness, and responsiveness to students and parents/guardians in the school community.

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

- Review of employment policies, written procedures, and related documents
- Review of 32 files for competitions conducted between 2021 and 2022 to assess how policies are implemented and to identify informal practices

¹ See *Equality in Employment: A Royal Commission Report* by Judge Rosalie Abella. Released in 1984, this landmark report recommended enactment of employment equity as a government intervention to address the magnitude of systemic discrimination faced by Indigenous peoples, racialized people, persons with disabilities, and women.

- 113 people participated in the focus groups
- An online Workplace Equity and Inclusion Survey distributed to all employees via email, in which 494 employees participated
- One-on-one interviews with 11 senior leaders and four union representatives
- Focus groups were held with human resources staff in which seven people participated.

In total, about 600 employees participated in these consultations, representing close to 10% of the WSD workforce.

While we have conducted a fairly thorough review of the WSD's employment systems for both academic and business employees, this review does not purport to be a comprehensive assessment of all the practices used by the hundreds of school administrators and managers responsible for hiring and managing employees throughout the Division's hundreds of worksites. Instead, this Employment Equity Audit provides a high-level perspective of the policies, practices, and organizational culture of the Division and their impact on employees.

The Journey Ahead: Key Priority Areas

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

Priority 1: Diversify the workforce at all levels

Throughout the consultations, some employees shared their concern that the WSD workforce does not reflect the diversity of its students. They shared that they felt there are barriers to hiring, including hiring that is relationship-based rather than merit-based. This could result in the Division not hiring the best candidates, but relationship-based hiring continues to limit the diversity of the organization. In addition, some employees shared their concern that relationships impact more than just hiring; they also impact advancement opportunities as well as employees' working environments.

The review of the Division's hiring policies and practices also indicate that more can be done to focus the hiring process on assessing candidates' skills and abilities for the job as well as their ability to effectively work with students and colleagues from diverse backgrounds. In addition, in order to advance efforts to diversify the workforce, those involved in the hiring process must be supported to recognize and mitigate their unconscious biases and understand the value that diversity brings to the workplace and to students. They must also be provided with the tools, resources, and policies to ensure that hiring is not based on who you know, but what you know.

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

- Revise the equity and accommodation statements
- Include equity-related competencies on each job posting specific to the role
- Update the application form to remove reference to Code-protected grounds
- Ensure interview questions are free from gender and cultural biases and assess the candidates' skills and abilities for the job
- Periodically conduct a Workforce Census to identify barriers to hiring and advancement and set targets to close any gaps in representation.

Priority 2: Create more equitable policies and practices

The review of employment policies and the hiring process identified several areas that need to be addressed to strengthen policies and practices as well as to ensure compliance with the *Manitoba Human Rights Code and the Accessibility for Manitobans Act*. The Division also needs to create equitable employment policies and processes that support the hiring, advancement, and full inclusion of a qualified and diverse workforce.

Recommendations to ensure employment policies and practices are in compliance with equity-related legislation and to fill gaps in the Division's policy framework have been made in this report, including recommendations to:

- Create procedures to support the implementation of the Employment Equity Policy
- Update a number of policies and procedures to ensure compliance with the *Manitoba Human Rights Code and Accessibility for Manitobans Act*
- Remove gendered language from policies
- Develop new policies to address obligations to provide accommodation based on any human rights protected ground, create scent-free workplaces, and create policies to support preferred names and pronouns and employees who transition in the workplace

Priority 3: Create a more inclusive and welcoming work environment

Employees report that WSD workplaces are not always safe and welcoming environments. They shared that there are attitudinal barriers to their hiring, advancement, and full inclusion in the workplace.

Indigenous and racialized employees shared daily experiences of their credentials being questioned, experiencing inappropriate behaviours and microaggressions,

and being seen as “diversity hires”. Women shared experiencing sex discrimination, sexual harassment, and a lack of accommodation for family care responsibilities. 2SLGBTQ+ employees identified that it is not always safe to be open about their identities and that they experience homophobic and transphobic attitudes of their colleagues and the person they report to. Persons with disabilities described ableist attitudes from their colleagues and the person they report to, which makes it unsafe for them to disclose a disability and their need for accommodation. They also shared that they experience barriers to accessing accommodation when requested and barriers to accessing many of WSD buildings.

Many employees shared that their complaints have been ignored or unaddressed by their principal, manager, and/or Human Resources. As such, these behaviours have been and continue to be condoned by the organization. Employees also shared that they are afraid to report harassment or discrimination because of the Division’s history of inaction and because of the reprisal they fear they will experience, which will further worsen their work environment and career opportunities. Many shared that when the Division does address issues, the approach taken has been heavy handed and has disregarded due process. Employees from all groups shared that when they do come forward with issues of harassment or inappropriate behaviours, these incidents are not always appropriately addressed. A number shared that having to live with these experiences of harassment and discrimination further harms their physical and mental health.

Employees also shared that some of their colleagues are openly hostile to the Division’s equity, diversity, and inclusion efforts. Throughout the consultations, employees also shared their concern about the Division’s focus on equity, diversity, and inclusion and that these initiatives put White men at a disadvantage.

Given these findings, the Division must make a greater effort to create a more welcoming and inclusive work environment where staff have a better understanding of equity and are comfortable with and supportive of colleagues and students from diverse communities, backgrounds, and identities.

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

- Update the Harassment Prevention Policy and Administrative Procedure to strengthen compliance with the *Human Rights Code*
- Provide ongoing training and education to Human Resources staff, managers, and principals to address ableist attitudes, to better understand their legal obligations under the Manitoba *Human Rights Code* to provide accommodation
- 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

- Ensure appropriate resources to investigate and address complaints of inappropriate behaviours under the Manitoba *Human Rights Code*
- Support to affinity groups/employee resource groups to create safe and inclusive spaces for Indigenous employees and those from the equity-seeking groups for networking and support
- All senior leaders learn about equity in leadership and receive individual coaching, as needed, to support their ongoing development and deepen their ability to lead the Division's equity efforts and embed equity into all that the Division does.

Priority 4: Strengthen the organization's equity infrastructure

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

Recommendations such as the following were made to strengthen the organization's infrastructure:

- Use the recommendations from this report to develop an Employment Equity Strategy and implementation plan which includes accountability measures.
- Appropriate financial and human resources be allocated to support the implementation of the Employment Equity Strategy and to lead the Division's employment equity efforts
- Identify barriers to hiring and advancement by periodically conducting a Workforce Census
- The Division conduct another Equity Audit in 5 years to assess progress and develop a new Employment Equity Plan.

PART A: Introduction

1. Introduction

In 2022, the Winnipeg School Division (WSD, the Division) sought the services of a consultant to review its employment policies, assess processes, and practices to identify what should be changed to address institutionalized racism and improve access to opportunity and decision making within the organization for Indigenous peoples and the equity-seeking groups.

WSD contracted with Turner Consulting Group to conduct an Employment Equity Audit that will:

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

This report summarizes the work of the consultants, along with their findings and recommendations.

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

2.2 What are barriers?

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

Indigenous peoples have a special constitutional relationship with Canada, including treaty rights, which are recognized and affirmed in Section 35 of the *Constitution Act, 1982*. The Government of Canada recognizes Indigenous self-government and has committed to a nation-to-nation relationship with First Nations, Inuit, and Métis.⁵ As such, it is important to recognize that Indigenous peoples are not just another equity-seeking group. We therefore refer to the groups which are the focus of this assessment as “Indigenous peoples and the equity-seeking groups” or “the designated groups” throughout this report.

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

² The term “racialized” includes those who self-identify as South Asian, Chinese, Black, Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean, Japanese, mixed race, and others who identify as non-White and non-Indigenous.

³ See *Equality in Employment: A Royal Commission Report* by Judge Rosalie Abella. Released in 1984, this landmark report recommended enactment of employment equity as a government intervention to address the magnitude of systemic discrimination faced by Indigenous peoples, racialized people, persons with disabilities, and women.

⁴ See for example:

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

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

⁵ Government of Canada. (2018, February 14). *Principles respecting the Government of Canada’s relationship with Indigenous peoples*. <https://www.justice.gc.ca/eng/csj-sjc/principles-principes.html>

responsiveness to the community served. In addition, a workforce that reflects the diversity of the student population and which is supported to bring their best to their work supports the improved academic achievement and well-being of all students.

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

Systemic/institutional barriers

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

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

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

Cultural barriers

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

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

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

- A work environment that excludes or undermines the success of Indigenous peoples and members of the equity-seeking groups in various ways, such as

isolating them, withholding critical information, or creating an unwelcoming work environment, and

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

Attitudinal barriers

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

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

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

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

These barriers may be impacted by issues within the sector that may undermine the organization's ability to implement employment equity, may create competing priorities, and may limit the effectiveness of the organization's employment equity efforts. This includes factors such as funding from the province, the shortage of occasional teachers, an increase in people leaving the teaching profession, and the ongoing impact of the COVID-19 pandemic.

2.3 The benefits of employment equity

The argument for employment equity 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

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

⁷ See for example: Oreopoulos, P., & Dechief, D. (2012, February). *Why do some employers prefer to interview Matthew, but not Samir? New evidence from Toronto, Montreal, and Vancouver*. Canadian Labour Market and Skills Researcher Network. Working Paper No. 95. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2018047

⁸ See for example: Kaye, H., Jones, E., & Jans, L. (2010). Why employers don't hire people with disabilities: Research findings and policy implications. *Disability and Health Journal*, 3(2). <https://doi.org/10.1016/j.dhjo.2009.08.086>

business case for ensuring and supporting equitable employment policies and practices, a diverse workforce, and inclusive work environment. The literature identifies a number of benefits, including:

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

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

In addition, the research shows that student success and outcomes such as well-being, test scores, attendance, and suspension rates are improved when students see themselves reflected in staff within their schools and their school materials, and as school divisions develop more inclusive and responsive policies, programs, and practices.

Strengthened confidence in public education. Division employees that reflect, understand, and respond to the needs of students, their parents, and the community also help to improve public confidence in publicly funded education. An equitable and inclusive education system is fundamental to achieving the priorities of high levels of student achievement, reducing gaps in student achievement, and increasing public confidence in publicly funded education.

Furthermore, an equitable and inclusive education system is recognized internationally as critical to delivering a high-quality education for all learners.¹⁰

Strengthened employee relations and confidence in the WSD as an employer of choice. Organizations that implement formal non-discriminatory and inclusive

⁹ See for example:

Cherng, H. S., & Halpin, P. F. (2016). The importance of minority teachers: Student perceptions of minority versus white teachers. *Educational Researcher*, 45(7), 407-420. <https://doi.org/10.3102%2F0013189X16671718>

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

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

¹⁰ United Nations Educational, Scientific and Cultural Organization. (2008). *Inclusive education: The way of the future* [Reference document]. UNESCO International Conference on Education, 48th session, Geneva, Switzerland. http://www.ibe.unesco.org/fileadmin/user_upload/Policy_Dialogue/48th_ICE/CONFINTED_48-3_English.pdf

employment policies and practices, increased transparency, and consistent human resources practices also strengthen employees' confidence that they are being treated in a fair and equitable manner. These practices, along with a welcoming and inclusive work environment, help to improve employee morale and loyalty and reduce complaints, grievances, and turnover.

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

Improved employee job satisfaction and productivity.¹¹ 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.¹² 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 for its students.

3. Methodology

3.1 Working Group

A Working Group, comprised of staff from the Superintendent and Human Resources Department, worked with the consultants to guide their work, provide access to the documents, and to share communications with employees to encourage their participation in the consultations.

¹¹ Stazyk, E. C., Davis, R. S., & Liang, J. (2012). *Examining the links between workforce diversity, organizational goal clarity, and job satisfaction* [Paper presentation]. 2012 Annual Meeting and Exhibition of the American Political Science Association, New Orleans, LA, USA. <https://www.bc.edu/content/dam/files/centers/cwf/individuals/pdf/DiversityClarityandSatisfaction.pdf>

¹² 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

3.2 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 (referred to as an Employment Systems Review) as well as the general approach to be taken by employers.¹³ The framework identifies how important it is for this audit to review each employment policy, practice, and system as well as the corporate culture and work environment in order to determine whether they present a barrier to prospective and existing Indigenous employees and employees from the equity-seeking groups.

The 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 *Manitoba Human Rights Code and Accessibility for Manitobans Act*
- **Consistency**—To ensure that policies and accompanying procedures are applied in a consistent manner throughout the organization
- **Job relatedness**—To ensure that each policy or practice clearly demonstrates a bona fide occupational requirement, is objective, and constitutes a business necessity
- **Validity**—To determine whether each policy or practice objectively predicts successful job performance
- **Adverse impact**—To assess whether each policy or practice has a disproportionately negative effect on Indigenous employees and employees from the equity-seeking groups
- **Accommodation**—To assess whether there are policies and procedures in place to identify and remove barriers in the workplace that keep qualified employees from participating in all aspects of employment and provide the accommodation needed by employees, and
- **Inclusive**—To assess whether policies and practices are inclusive of all employees, including those who identify as Indigenous or as members of the equity-seeking groups.

This 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.

¹³ Canadian Human Rights Commission. (2002, December). *Employment Systems Review: Guide to the audit process*. https://publications.gc.ca/collections/collection_2007/chrc-ccdp/HR4-3-2002E.pdf

3.3 The employment systems reviewed

The following employment systems were reviewed through this process:

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

3.4 Data collection methods

Document review

Human resources policies, written procedures, and other related documents were reviewed to identify potential barriers in employment policies, as well as barriers created by how managers, school administrators, and Human Resources staff implement these policies.

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

Competition file review

Competition files are intended to be a record of the hiring and selection process. In total, 32 files for competitions held between 2021 and 2022 were randomly selected and reviewed to determine whether staffing policies and practices are being applied in a fair and consistent manner. These included competitions for permanent teachers, long-term occasional teachers, occasional teachers, educational assistants, as well nonteaching positions.

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

- Job description and job posting
- Selection criteria
- Interview questions and candidate responses
- Reference check information
- Names of interview panel members and reports

- Interview schedule
- Rating and ranking materials, and
- Sufficient information to explain the assessment of each applicant, including screening, rating, and ranking steps.

Consultations with employees

An essential component of an 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 600 people participated in the consultations for this audit:

- 494 people completed the online survey. The link to the confidential and voluntary online survey was distributed to all employees through an email from the Chief Superintendent. The survey was open from October 1 to 31, 2022
- 113 people participated in the focus groups which were held between October 3 and 26, 2022. Each virtual focus group allowed up to 10 participants. To create safe spaces for participants, 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+, women who do not belong to another group, and men who do not belong to another group. Separate focus groups were also held for instructional and non-instructional staff as well as managers and school administrators
- 11 senior leaders and four union leaders participated in a one-on-one interview to further explore employment equity, diversity, and inclusion issues and to identify the key challenges the organization will face in implementing the recommendations from this review, and
- Focus groups were held with human resources staff in which seven people participated.

This represents participation from about 10% of WSD's approximately 6,400 employees.

This level of participation gave us sufficient data to identify workplace issues and make recommendations for change.

Information from the consultations is summarized in this report. To maintain confidentiality and protect the privacy of the employees who participated in the focus groups, no names or identifying information are included. Quotes have also been edited for clarity and brevity.

4. Limitations and Constraints

While we have conducted a thorough review of the WSD's employment systems for both instructional and non-instructional staff, this review does not purport to be a comprehensive review of all the employment practices used by each school administrator and manager responsible for hiring and supervising staff throughout the Division's hundreds of workplaces. These findings therefore refer to the system as a whole and use employees' comments as indicators of potential issues that need to be addressed at the corporate level.

5. Equity Initiatives

WSD has implemented several workplace EDI initiatives over the years, including:

- The **Employment Equity Policy** recognizes WSD's commitment to remove employment barriers/discriminatory practices and strive toward a fair representation of women, Indigenous peoples, persons with disabilities and racialized people at all levels within the Division.
- **Build From Within The Build From Within – Ozhitoon Onji Peenjiiee** is an Indigenous Teacher Development Program for high school students beginning in 2018 – Cohort I and Cohort II currently attending the University of Winnipeg and Cohort III began in February, 2022.
- **Professional Network of Indigenous Educators (PNIE)** is a skill building and strength based support network to enhance professional growth and goal setting for Indigenous educators. The network currently consists of 70 members.
- The **Indigenous Teachers Acting Vice Principal Program & Racialized Teachers Acting Vice Principal Program** programs provide Indigenous and racialized teachers with training, support, and the opportunity to experience a short-term vice principalship.
- **Immigrant Teacher Education Program (ITEP)** supports internationally trained teachers to gain experience in the Manitoba teaching profession through a unique curriculum of academic and practical courses and workshops. In this partnership, participants are, or can be, employed by the school division during the day while they complete their courses and workshops during evenings and weekends.
- **Staff Census** data is collected and has been published annually for over 15 years. The 2021 data is as follows: 71.1% women, 12.1% Indigenous persons, 27.8% visible minorities, 3% person with disabilities.
- **Accessibility** goals are established through the Multi-Year Accessibility Plan. The Division has a long-term goal for phasing-in construction and renovations

at facilities to comply with the *Accessibility for Manitobans Act*, focusing on the accessibility-built environment standard.

- The **SHARP Line** was created to provide support and assistance to staff reporting a workplace safety issue. Employees can contact the SHARP Line to report:
 - An injury
 - A potentially dangerous situation.
 - Harassment, a threat, or physical force

Respectful workplace complaints reported through the SHARP Line are referred to HR for investigation. Complaints involving principals are reported directly to the Director of Human Resources.

PART B: Findings & Recommendations

This section summarizes the findings from the following aspects of the review:

- Review of policies, practices, and documents
- Review of staffing files, and
- Consultations with employees.

In each section, we provide:

- A summary of the findings and any conclusions drawn, and
- Recommendations to remove the identified barriers and address the identified issues.

6. Policy Review

Guiding Documents

Strategic Plan 2016-2020

The Strategic Plan for 2016-2020 includes:

Purpose

Winnipeg School Division provides a learning environment that fosters the growth of each student's potential and equitable opportunity to develop the knowledge, skills, and values necessary for the meaningful participation in a global and diverse society.

Vision

Engaged, Confident, Inspired, and Successful Learners.

It also states a number of values. Many of these values refer to students, there are some which refer specific to employees and WSD's role as an employer.

Equitable Opportunity—WSD believes in equitable opportunity, potential, and dignity of all individuals.

Value of All Employees—WSD believes its greatest resource is its people. The school division is committed to providing professional development for all employees and an opportunity to participate in the decision-making process.

The demographic context is also included in the strategic plan, which states:

- **Demographic trends:** Growth in enrollment in WSD is expected to increase to over 34,000 students.
- **Immigration:** Nearly one-quarter of WSD students living with their parents are immigrants. English and another language are spoken in the homes of 37% of students.
- **Indigenous population:** WSD has the highest percentage of Indigenous students in Winnipeg, representing over 23% of students.
- **Income:** Incidence of low income ranged from 3% to 57% among neighbourhoods in the school division. There were 17 schools with an income below \$40,000 (31% of schools) or/and there were 24 schools with income below \$50,000 (44% of schools).
- **Social/technological/economic/environmental trends:**
 - Expectations of taxpayers/parents that schools, school divisions, and departments of education provide quality education and communication with parents on priority issues
 - Increased requirement for technological learning and aptitude
 - Public pressure to operate sustainably and with fiscal responsibility
 - People expect educational organizations to operate with equity, address social issues, and to value cultural diversity
 - Indigenous education, and
 - Corporate social responsibility and environmental sustainability.

Employees are also identified as a strategic priority, with WSD committed to “retain attract, and develop our valued staff who are dedicated to the vision, purpose, values, and Principles of Learning of Winnipeg School Division, and reflect community diversity.” Strategies to achieve this includes:

- Hiring a workforce that is representative of our community
- Continuing to improve upon hiring and retention practices to ensure WSD is providing the most qualified employees to our students
- Continuing to provide high quality support and professional development for our staff to foster their creativity, and to be on the cutting edge of education

- Further building partnerships with the universities and colleges to develop staff within the Indigenous community, internationally trained teachers, and leading programs in special education and math
- Continuing to increase the leadership capacity and competency within schools, and
- Ensuring effective communications internally and externally, understanding that staff are WSD ambassadors, and the face of WSD in the community.

Key performance indicators include:

- Rate of employee retention/turnover (%)
- Diversity of school division staff (Equity Report, employee self-declaration)
- A comprehensive Employee Engagement Strategy be developed
- Promote leadership opportunities

While some issues of employment equity, diversity, and inclusion are addressed in WSD's strategic plan, the next strategic plan could do more to embed a focus on employment equity and will need to address the changing context and needs brought about by the COVID-19 pandemic.

Recommendation 1: It is recommended that the next strategic plan include:

- An analysis of the racial diversity of the Winnipeg school community in its demographic analysis
- A comparison of the WSD's workforce with the diversity of the school community to identify gaps in representation
- Recognize the increased mental health needs of employees and the need to support employee mental health so that they can better serve students, and
- Recognize the need to foster more inclusive and safe working environments in order to create the environments in which employees can give their best to students and to retain employees
- That the performance indicators include rate of employee retention/turnover by designated group, diversity of school division staff be replaced with gap in representation of the diversity of staff compared to the diversity of the student population or community served, and that leadership opportunities be promoted for designated group members.

Management Rights Policy

This policy outlines the management functions of WSD as an employer, consistent with the respective policies and procedures.

No issues were identified with this policy.

Employment Equity Policy

Through this policy, the Division recognizes employment equity as a desirable and fundamental goal in society. This policy commits WSD to:

- Identifying and removing discriminatory practices
- Striving toward the fair representation of women, Indigenous peoples, persons with disabilities, and racialized people
- Implementing measures to accommodate differences, where necessary
- Annually reporting on the representation of the workforce, among applicants, among new hires, and among those promoted
- Asking all employees and applicants to self-identify as belonging to one of the designated groups
- Widely distributing the Employment Equity Policy
- Conducting outreach recruitment.

The policy also provides definitions of employment equity and the designated groups.

The policy was last revised in 2004 and uses outdated terms when referencing Indigenous peoples, persons with disabilities, and racialized people. The policy states that it also strives to reflect the composition of men in the Division's boundaries where gender equality is an issue. This is problematic given that there is no evidence that men experience systemic and persistent discrimination in employment, even in women-dominated occupations.

Women, Indigenous peoples, persons with disabilities, and racialized people¹⁴ have been identified as the focus of the federal *Employment Equity Act* based on the Abella Commission report which has identified that these groups experience persistent and systemic barriers to gaining employment commensurate with their education, skills, and experience, as well as barriers to advancement and full inclusion in the

¹⁴ The term "racialized" is used throughout this report to replace the term "visible minority" which has historically been used in Canada. This definition includes those who self-identify as South Asian, Chinese, Black, Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean, Japanese, mixed race, and others who identify as non-White and non-Indigenous.

workplace.¹⁵ In addition, many organizations have also included those who identify as 2SLGBTQ+ as part of their employment equity program because on evidence that this group also faces discrimination in the labour market and harassment on the job.¹⁶

This policy is not supported by procedures that commits WSD to:

- Creating working environments that are free from discrimination and harassment, and which are inclusive and welcoming
- Identifying barriers to hiring, promotion, and full inclusion by periodically conducting a Workforce Census and Employment Equity Audit
- Developing an Employment Equity Plan to close barriers in representation and remove employment barriers identified through the Workforce Census and Employment Equity Audit
- Implementing measures to remedy past discrimination, and
- Implementing measures to prevent the creation of future barriers.

Recommendation 2: It is recommended that the Employment Equity Policy be updated to remove men as a designated group since there is no evidence that they experience systemic and persistent discrimination in the labour market.

Recommendation 3: It is recommended that WSD develop procedures to support the implementation of the Employment Equity Policy.

Staff Conflict of Interest Policy

This policy states the need for employees to prioritize public trust and confidence when carrying out their duties and responsibilities. The policy identifies the following, among other actions, as conflicts of interest:

- Seeking to obtain preferential treatment from the Division for a relative, friend, or commercial enterprise in which the employee, a relative, or a friend has a financial interest

¹⁵ 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.

¹⁶ See for example:

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

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

- Recruiting, selecting or retaining a relative for employment if in a position of authority
- Influencing another employee to recruit, select, or retain a relative.

While the policy does include “friends” with respect to seeking to obtain preferential treatment, it only refers to “relative” with respect to participating in or influencing the recruitment, selection, or retention of an employee.

Recommendation 4: It is recommended that the Staff Conflict of Interest Policy make reference to “family and friends” when describing what constitutes a conflict of interest.

Hiring and Selection

Staffing Framework

This document addresses WSD’s strategic priority related to its employees:

To retain, attract and develop our valued staff who are dedicated to the vision, purpose, values and Principles of Learning of Winnipeg School Division, and reflect community diversity.

This framework identifies the following guiding principles:

- **Impartial:** Decisions are made objectively and free from political influence or personal favouritism; policies and practices reflect the just treatment of persons
- **Transparent:** Information about strategies, decisions, policies and practices is communicated in an open and timely manner
- **Equitable:** Staffing processes identify and remove accessibility barriers (systemic or otherwise) to allow for a workforce that is representative of our community.

The Staffing Framework has a number of elements which contributes to a bias-free hiring process, such as:

- Specifying that those requiring medical accommodation, returning from extended sick leave (2+ years), and WSD initiated transfers will be first considered for a vacant position
- The selection process is based on merit and all candidates will be evaluated on the basis of the skills, competencies, and efficiencies necessary to carry out the duties and responsibilities of the position

- All vacancies greater than 20 days must be posted on the WSD Careers website
- Selection committee members will not interview a member of their family and that any conflicts of interest must be disclosed to the Chief Human Resources Officer.

The Staffing Framework could be strengthened by:

- Addressing the need to comply with requirements of the *Manitoba Human Rights Code* and the *Accessibility for Manitobans Act*, including the need to be non-discriminatory and to provide accommodation in the hiring and selection process
- Providing guidance on how the objectives of the Employment Equity Policy and the goal of creating a representative workforce will be achieved and how the candidate's membership in a designated group will be considered in the hiring process
- Ensuring consistency with the Staff Conflict of Interest Policy by including friends, not only family members. It should also state that no member of WSD should influence the hiring of a family member or close friend
- Expand the definition of conflict of interest by requiring that all those involved in the hiring process (including screening of resumes, interviewing, and making the hiring decision) be required to declare a conflict of interest.

Recommendation 5: It is recommended that the Staffing Framework be revised to: address the need to comply with the *Manitoba Human Rights Code* and the *Accessibility for Manitobans Act*; integrate how the objectives of the Employment Equity Policy will be achieved; and expand the definition of conflict of interest.

Recruitment Policy and Administrative Procedure

This policy commits the school division to:

not discriminate against that person in respect of employment, or any term or condition of employment because of race, nationality, religion, colour, sex, age, marital status, sexual orientation, physical or mental handicap, ethnic or national origin, political beliefs or family status of that person.

This policy also states that:

- Relatives of the Chief Superintendent of Schools or any member of the Board of Trustees shall not be hired by the Division

- No person shall be employed in a position where, by reason of marital or family status there would be the possibility of collusion, breach of confidentiality, or conflict of interest
- No one shall be permitted to hire or be responsible for hiring a member of their own family, and relative or a person about to become a relative
- Where a police or child abuse registry record exist, various factors will be considered to determine whether the person will be employed, including:
 - the nature of the offence for which the person was convicted
 - the relevance and risk the offence poses in relation to the duties for which the applicant is being considered
 - the length of time since the conviction
 - the circumstances surrounding the charge and conviction as described by the applicant and, if necessary, verified by other references
 - references from past employers, and
 - the rehabilitative efforts made by the candidate.

This policy could be strengthened by:

- Adding the more recently added Code-ground of gender identity
- Stating that all vacancies greater than three months be posted
- Stating the commitment to provide accommodation based on any Code-protected characteristic in the hiring process
- Stating that those requiring a transfer for accommodation or other reasons related to a Code-protected characteristic will be given priority, including those experiencing reprisal because they have made a human rights complaint.

This policy was last updated in 2008 and includes outdated language (e.g., equality) as well as gendered language (he/she).

The administrative procedure also includes job applications as attachments. These application forms ask the following:

- Do you have a Driver's License?

This question was asked on all applications, including for positions for which driving is not a bona fide job requirement.

- Do you have any physical, mental disabilities or health problems affecting the position applied for?

Asking this question is in violation of the Manitoba *Human Rights Code* as no questions about disability are permitted at the application stage.

- Do you have any physical, mental disabilities or health problems you wish the Winnipeg School Division to take into consideration when determining job placement?

No questions about disability are permitted at the application stage.

These applications also require that job applicants include post-secondary transcripts with their application. WSD should provide guidance to job seekers and to those involved in the hiring process should a candidate not be able to provide their original certificate or degree. This is important for refugees and others who may be unable to supply the documents needed to verify their academic credentials. While many refugees have been successful in obtaining their official documentation from their home institutions, either through their own efforts or through embassies, there are some cases where accommodation may be needed.

In 2007, the Ontario Superior Court ruled that the Ontario College of Teachers had violated the province's *Human Rights Code* by requiring an Iranian refugee to provide original documents to prove her teaching qualifications. The person, who taught in Iran for 16 years before fleeing to Canada, feared that the Iranian government might harm her relatives in Iran if she were 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.

Recommendation 6: It is recommended that the Recruitment Policy and Administrative Procedure be updated to:

- Reflect the current application process and to remove the questions pertaining to disability and driver's license (unless it is a bona fide job requirement)
- Adding the Code-protected characteristic of gender identity
- Stating that all vacancies greater than three months be posted

- Stating the commitment to provide accommodation based on any Code-protected characteristic in the hiring process, and
- Stating that those requiring a transfer for accommodation or other reasons related to a Code-protected characteristic will be given priority.

Selection of School Administrators Policy and Administrative Procedure

This policy addresses the need for WSD to put in place an administrative selection process that will ensure that the most appropriate candidate is selected for school administrative positions.

The policy identifies the responsibilities of:

- Chief Superintendent
- Superintendents of Schools
- Principals
- Human Resources Department.

This policy specifies the selection process that includes meeting with the parent council, staff, in senior high schools, the student council, to determine the specific needs of the school and the desired characteristics for the principal and arrange an interview process that includes parent representation and representation from the Winnipeg Teachers' Association (WTA).

The inclusion of parents and community members can introduce biases into the promotion process if the process is not equitable, supports are not provided to mitigate the impact of bias, and if a focus is not placed on supporting the needs of the most marginalized students. This could be done by:

- Requiring the Superintendent of Schools or Principal to address issues of equity, diversity, and inclusion in their consultations with the parent council, student council, and staff
- Ensuring the process includes a focus on supporting the most marginalized students, and
- Ensuring that training is provided to everyone on the selection panel to support a bias-free hiring process.

This policy states that the Employment Equity Policy will be a fundamental criterion in all decision-making regarding appointments to administrative positions. However, the policy is not supported by administrative procedures and do not provide any details to support how employment equity will be considered in the selection process.

The document identifies general characteristics of an effective school administrator, including:

- Vision
- Instructional leadership
- Management
- Shared decision-making
- Community involvement
- Conflict resolution
- Open communication.

This list does not include any characteristics related to leading a diverse workforce, creating inclusive learning and working environments, or supporting the academic achievement and well-being of a diverse group of students.

Recommendation 7: It is recommended that the characteristics of an effective school administrator identified in the Selection of School Administrators Policy and Administrative Procedure be revised to include equity competencies.

Recommendation 8: It is recommended that the Selection of School Administrators Policy and Administrative Procedure be revised to ensure that the process reflects a need to consider equity competencies and how employment equity will be considered in the hiring process in order to support the hiring of school leaders from the designated groups. It should also ensure that the selection process is free of personal biases and provide for training of those involved in the selection process.

Health and Safety

Smoke Free Environment Policy and Administrative Procedure

These documents support WSD to create smoke free working and learning environments. It does provide an exemption for smudging and the use of traditional medicines and states:

The public display of tobacco products and other accessories in school buildings shall be banned except for religious or ceremonial usages and anti-smoking promotions.

The procedure supports the implementation of Smoke Free Environment Policy and states that smoking is not allowed within any school Division facility, in Division owned vehicles, or on Division property at any time. Failure to comply with the policy will result in disciplinary action.

No issues were found with this policy or administrative procedure.

Tuberculosis Procedures

These procedures are to be used when a school is advised of a case of tuberculosis and addresses the need to notify members of the school community about outbreaks and educating them about TB.

No issues were found with this policy or administrative procedure.

Prevention of Blood-Borne Communicable Diseases Policy and Administrative Procedure

This policy recognizes the Division's responsibility to protect the health and safety of members of the school community from transmission of blood-borne diseases. It also addresses the need to protect the confidentiality of those with any blood-borne communicable diseases.

No issues were found with this policy or administrative procedure.

Safety Initiatives Administrative Procedure

This administrative procedure supports the creation of safe schools. It includes a Safe Schools Charter that includes the requirement for a school emergency response plan.

While schools are required to develop procedures for evacuating school buildings and carrying out practice drills, the document does not comply with the requirements of the *Accessibility for Manitobans Act*, which requires employers to:¹⁷

- Create an individualized emergency response plan for employees with disabilities
- Ask employees who require assistance during an emergency for permission to share information with individuals who agree to help.

An individualized emergency plan would detail all assistance a worker needs during a workplace emergency, including:¹⁸

- Activating an alarm, or finding out that an alarm is sounding or flashing
- Locating or following paths to building exits
- Communicating with emergency responders
- Moving through crowds in stressful situations

¹⁷ Government of Manitoba. (2021, January). *Workplace Emergency Response Information: Toolkit to keep employees with disabilities safe*. https://accessibilitymb.ca/pdf/workplace_emergency_toolkit.pdf

¹⁸ Kovac, L. (2018, November 26). *Individualized workplace emergency response plan*. AODA.ca. <https://www.aoda.ca/individualized-workplace-emergency-response-plan/>

- Travelling through and out of buildings without using elevators
- Finding and using designated waiting areas.

The Safety Initiatives Administrative Procedure could also be strengthened by:

- Including the requirement that emergency preparedness information be provided in an accessible format, as needed
- Identifying how persons with disabilities will be informed of an emergency
- Specifying the requirement to develop an individualized workplace emergency response plan that asks an employee with a disability to indicate the type of support that would be needed and ensuring that they are not asked to disclose their disability.

Recommendation 9: It is recommended that the Safety Initiatives Administrative Procedure include the requirement to identify employees who may require support to evacuate WSD buildings and that individualized workplace emergency response plans be developed for these individuals.

Workplace Safety and Health Policy and Administrative Procedure

This policy commits WSD to establishing a safe and healthy environment for staff, students, and visitors. It identifies the responsibilities of:

- The Chief Superintendent
- System leaders
- Supervisors
- Employees
- The Workplace Safety and Health Officer
- Workplace Safety and Health Committee

No issues were found with these documents.

Workplace Safety and Health Inspection Forms

This document supports the requirement for WSD to conduct safety inspections on a regular basis to identify possible hazards, circumstances, and/or events in the workplace before an incident or injury occurs. It provides the inspection forms to be used in this review.

No issues were found with these forms.

Employee Health and Safety Use of Chemical Substances Policy

This policy recognizes that substance abuse is a danger to the health and safety of employees, students, and the public. It addresses the possession and use of alcohol or illegal substances by an employee, both of which are not permitted in the workplace, and allows for disciplinary action, up to and including dismissal.

While employers have the right to prohibit alcohol and drug use in the workplace, addiction or substance dependence is recognized by the Manitoba Human Rights Commission as a form of disability. As such, this policy should reflect that employees should be offered the opportunity to attend a rehabilitation program and return to work, with monitoring and conditions.

The issue of chemical dependencies is also addressed in the Employee Assistance Policy. These policies should be consistent in acknowledging that addiction or substance dependency is recognized as a form of disability.

Recommendation 10: It is recommended that the Employee Health and Safety Use of Chemical Substances Policy and the Employee Assistance Policy address the fact that addiction or substance dependence is recognized by the Manitoba Human Rights Commission as a form of disability, and that employees should be offered the opportunity to attend a rehabilitation program and return to work, with monitoring and conditions.

Leaves of Absence

Leave of Absence Policy

This policy addresses employee's access to:

- Maternity leave
- Parental leave
- Adoptive leave
- Leave of absence
- Long service leave
- Personal business leave
- Compassionate care leave

The policy also ensures that employees returning to work after these leaves will be able to return to a comparable position and for the purpose of calculating pension and other benefits, employment will be deemed to be continuous.

While this policy provides guidance to ensure the consistent and fair access to these leaves, the section on parental leave (maternity) includes gendered language, such as “the natural mother” and parental leave (spouse) refers to “the natural father,” which does not allow for same sex parents, or for those who do not identify as women to apply for maternity leave and those who don’t identify as “the natural father” to apply for parental leave.

Recommendation 11: It is recommended that the Leave of Absence Policy remove gendered language.

Absence of Staff Procedure

This document states that staff members are not to be absent from work without obtaining prior permission from the Division (except for illness).

No issues were found with this procedure.

Short Leave of Absence Procedure

This procedure documents the process for short term leaves of absence that are to be authorized prior to taking any such leave, except in emergency situations. It provides guidance for the process for short leaves of absence and supports a fair and consistent approach.

No issues were found with this procedure.

Professional Development Policy and Administrative Procedure

This policy recognizes the importance of professional and technical development and commits WSD to make an appropriate level of professional development funds available. The policy allows for sabbatical leave, bursaries for attendance at summer school, in-service days, and reporting back on conferences and conventions.

The procedure also allows for a personnel development program that has the goal of supporting instructional staff to develop leadership skills and increase their awareness of the operation of WSD. Twenty teachers per year are selected for the program.

The procedure does not identify any requirements for principals and managers to identify who can participate in the personnel development program nor does it state how diversity will be considered in order to support WSD’s commitment to employment equity.

The procedure also allows for a custodial development program, which also does not identify selection requirements and how the program will support employment equity.

The procedure also provides for employees to request attendance at various professional development activities or conferences. The procedure does not specify

how the approval of requests will allow for equitable participation in professional development.

Recommendation 12: It is recommended that the Professional Development Policy and Administrative Procedure be reviewed and revised to be consistent with the goal of supporting equitable access to professional development that supports the advancement of members of the designated groups within the Division. They should also specify a commitment to non-discrimination and ensuring that barriers to professional development do not exist for members of the designated groups.

Resignation/Retirement Policy

This policy addresses the need for an appropriate notice period from employees who are resigning or retiring.

This policy does not address the need to conduct an exit interview to allow exiting employees to anonymously share their feedback on the organization's management practices, organizational culture, and the experiences of Indigenous employees and employees from the equity-seeking groups. Exit interviews may be performed as one-on-one discussions with Human Resources, through confidential feedback on a written survey, or through a third party. This information should also be analyzed to identify any systemic issues that ought to be addressed.

Recommendation 13: It is recommended that WSD embed in policy the need to conduct exit interviews/surveys with employees who voluntarily resign from the organization. The exit interviews should include questions about the employee's experiences working with the organization and work team or school. The questions should also allow WSD to analyze employees' reasons for leaving, by identity group, to better understand the experiences of Indigenous staff and those from the equity-seeking groups and how these experiences may have contributed to their departure from the organization.

Recommendation 14: It is recommended that, on an annual basis, Human Resources summarize information from the exit interviews/surveys, by identity group, to present to the Chief Superintendent/CEO in order to identify trends and develop plans to proactively address the identified concerns with respect to equity, diversity, and inclusion.

Accessibility and Accommodation

Accessibility Plan

Per the *Accessibility for Manitobans Act* (AMA), WSD is required to produce an Accessibility Plan that is to be updated every second year. WSD created its first Accessibility plan in December 2016, which was last updated October 2021.¹⁹

¹⁹ Winnipeg School Division. *Accessibility Plan*.

<https://sbwdsdstor.blob.core.windows.net/media/Default/medialib/accessibility-plan.d24cd917606.pdf>

The plan has several key elements that support an accessible workplace for WSD employees, including:

- Addressing multiple accessibility issues for newly built schools and many of the older facilities, including elevators and/or lifts, ramps, automatic door openers, accessible washrooms, and visibility strips on interior and/or exterior stairs
- Reviewing all programs, services, and new initiatives to ensure accessibility
- Making information available in an accessible format or providing supports to people with disabilities in a way that considers their disability
- Informing employees and the public about the availability of accommodation for applicants with disabilities in its recruitment and selection processes.

The plan however does not fully consider the needs of employees. As such, it could be strengthened by:

- Including consultations with staff about issues that affect them as employees
- Ensuring that staff who use service animals are welcomed into the workplace
- Ensuring that staff needs are also considered when installing elevators or lifts, ramps, automatic door openers, and accessible washrooms, and that staff who have accessibility needs that cannot be addressed at their current location be prioritized in the transfer process
- Allowing for the provision of assistive devices to remove or reduce barriers for employees
- Ensuring that staff are notified when there are temporary barriers to buildings, spaces, or services
- Creating a culture that supports the mental health and well-being of employees.

Recommendation 15: It is recommended that the Accessibility Plan, when next revised, be expanded to address the accessibility needs of WSD employees.

Smudging in School Division Buildings Procedure

This procedure allows for smudging to occur within WSD buildings. It states:

- Prior to introducing smudging, it is important to inform students, parents, guardians, and staff about the purpose and significance of smudging
- Provide advance notice of when and where the smudge will take place

- No one should be required or pressured to smudge
- Ensure that smudging occurs in areas of buildings where the room's ventilation system can be isolated from the rest of the building and the smoke can be directly exhausted to the outside.

This procedure does not recognize that Indigenous employees may wish to smudge on a regular basis or that schools may include smudging as part of the school day. It also does not include the possibility of using fans or air purifiers to remove smoke from the air after a smudge.²⁰

Smudging refers to a traditional ceremony for purifying or cleansing the soul of negative thoughts of a person or place. Some workplaces have moved from using the term “smudging” in their policies to “burning of traditional medicines” as there are other reasons to burn medicines in addition to just smudging, such as a pipe ceremony.

Recommendation 16: It is recommended that the Smudging in School Division Buildings Procedure be updated to refer to burning of traditional medicines and recognize that some employees and schools may wish to smudge on a regular basis and allow for the use of fans or air purifiers to remove smoke from the air after a smudge.

Workplace Violence and Harassment

Harassment Prevention Policy and Administrative Procedure

This policy supports WSD's commitment to:

Providing a safe work environment free from violence for all individuals working, studying in or visiting Division facilities. The Board of Trustees recognizes the potential for violence or threats against staff, students and/or visitors. Actions have been taken to identify potential sources of violence and a violence prevention program has been implemented.

This policy and procedures have some strengths including:

- Providing definitions of harassment, sexual harassment, personal harassment, bullying, racial/ethnic/homophobic incident, hate crime, hate propaganda, complainant, respondent, and listing Code-protected characteristics
- Articulating that reasonable actions by managers or supervisors to help manage, guide, or direct workers or the workplace is not considered to be harassment

²⁰ Government of Manitoba. (2019). *Smudging Protocol and Guidelines: Smudging protocol and guidelines for school divisions*. https://www.edu.gov.mb.ca/iid/publications/pdf/smudging_guidelines.pdf

- Requiring that any person who experiences harassment, or is a witness to another person being subjected to harassment, to report the conduct to the appropriate individual
- Requiring employees to co-operate with an investigation
- Stating that nothing in this policy precludes the legal right of an individual from exercising any rights, actions or remedies that may be available to the individual under law or collective agreement
- Stating the need to maintain confidentiality
- Identifying the responsibilities of the Chief Superintendent, Principals/ Managers, administrative staff, and all staff
- Stating that staff involved in acts of violence towards other individuals shall be subject to discipline
- Allowing for the complainant and respondent to appeal a decision arising from a complaint
- Prohibiting retaliation against a complainant or witness
- Requiring that the Division ensures that counselling is accessible and available to the complainant and respondent
- Requiring that the investigation team ensure a gender balance from members of the administration
- Addressing interference and false allegations and indicating that they will be subject to disciplinary action.

While the policy provides a good foundation, the policy could be strengthened by:

- Offering protections from discrimination in addition to harassment
- Expanding the definition of sexual harassment to include gender-based harassment
- Specifying that the policy also applies to interactions through electronic means and interactions outside of the workplace that impact working relationships
- Defining duty to accommodate, poisoned work environment, and condonation and identifying them as violations of the policy and subject to complaints under the policy
- Specifying the rights of complainants and respondents

- Stating that protection also extends beyond the Code-protected characteristics to include association or relationship with a person identified by one of these characteristics and perception that one of these characteristics applies
- Indicating that people may experience discrimination and harassment based on the intersection of multiple characteristics of discrimination (“intersectionality”)
- Specifying timelines for the completion of the investigation. For example, “In most cases, investigations should start immediately after an investigator is chosen, and finish within a fixed time frame (for example, 90 days)”
- Specifying that WSD is also responsible for:
 - Monitoring and evaluating the application of the policy, such as by gathering and analyzing feedback from employees, investigators, managers, and principals, as well as including information collected through exit interviews to inform the monitoring and review of the policy
 - Ensure that those assigned to investigate a human rights complaint have sufficient training and understanding of the *Manitoba Human Rights Code* and other relevant legislation to conduct an appropriate investigation
- Identifying the responsibility of school and division leaders to:
 - Model the behaviours expected of employees
 - Act to stop harassment and discrimination when they know about, or ought reasonably to have known about, these behaviours
 - Take appropriate action, even in the absence of a formal complaint or if the complainant does not wish the matter to proceed.
- Identifying the need for principals and managers to monitor the workplace following disciplinary action, to ensure discriminatory or harassing incidents do not reoccur and that the working environment is positive and productive
- Specifying where, how, and by whom complaints and results from investigations will be retained
- Requiring that an annual report be prepared to specify the number of complaints, characteristics, and disposition of these complaints to identify any trends and the need for proactive measures to be put in place.

Recommendation 17: It is recommended that the Harassment Prevention Policy and Administrative Procedure be updated to address the identified issues.

Violence Prevention Policy and Administrative Procedures

This policy and procedures support a safe work environment that is free from violence.

The policy and procedures have several strengths, including:

- Defining violence
- Specifying the responsibilities of the Chief Superintendent, principals and managers, administrative staff, and all staff
- Specifying that disciplinary action may be taken when individuals have been found to be involved in acts of violence
- Indicating that there may be a need for police and/or child and family services to be contacted
- Specifying that WSD will assess the risk for violence and preparing an annual report detailing all reported incidents of violence in WSD schools and buildings.

The policy and procedures could be further strengthened by:

- Specifying that WSD is responsible for monitoring and evaluating the application of the policy, such as the collection and analysis of employee comments, feedback from investigators and supervisors, and information collected through exit interviews to inform the monitoring and review of the policy and procedures
- Identifying timelines for beginning and completing an investigation
- Identifying the need for principals and managers to monitor the workplace following disciplinary action, to ensure discriminatory or harassing incidents do not reoccur and that the working environment is positive and productive
- Specifying where, how, and by whom complaints and results from investigations will be retained.

Recommendation 18: It is recommended that the Violence Prevention Policy and Administrative Procedure be updated to address the identified issues.

Respectful Workplace Procedures Manual (Draft)

This manual is intended to assist staff in creating a respectful workplace.

The document describes the Respectful Workplace Policy and the rights and responsibilities of various groups under the policy, including trustees; senior administration; staff; students; administrators, principals, building managers and supervisors; Human Resource Services: Workplace Safety and Health Officers; and

unions/associations. The manual also describes disrespectful behaviour and the process for filing a formal complaint.

The manual has a number of strong elements including:

- All senior administrators are required to address disrespectful behaviour and promote that this behaviour will not be condoned or tolerated
- All people leaders will set an example by modeling respectful behaviour and immediately address inappropriate behaviours whether or not there has been a formal complaint
- Staff retain the right to take other actions and/or seek remedies including filing a claim with the Manitoba Human Rights Commission, Provincial Workplace Safety and Health Division, and filing a grievance

The manual could be strengthened by addressing the following:

- While the manual refers to a Respectful Workplace Policy, the WSD does not have such a policy, but instead has a Harassment Prevention Policy and Violence Prevention Policy
- Rights of the complainant and respondent in an investigation

Recommendation 19: It is recommended that the Respectful Workplace Procedures Manual be updated to address the identified issues and to ensure consistency with revisions to the Harassment Prevention Policy and the Violence Prevention Policy and administrative procedures.

Employee Complaints and Grievances Policy and Administrative Procedure

This policy and administrative procedure provide a process for employee complaints and grievances and specifies the roles and responsibilities of the immediate supervisor, superintendent/department director, Human Resources Department, and Chief Superintendent.

No issues were found with this policy and procedure.

Discipline and Discharge Policy and Administrative Procedure

This policy addresses WSD's obligation to support acceptable conduct of employees for the orderly operation of the Division and for the benefit and protection of the rights and safety of all students, employees, and the public.

It addresses progressive discipline and the need to notify the Superintendent/Department Director should the offence involve an allegation of physical/sexual assault/abuse against an employee. It also provides for an appeal process.

No issues were found with this policy and procedure.

Personnel

School Professional Development Procedure

This document provides guidance on professional development funding, release time, educational leave, and financial support to travel for professional development.

No issues were found with this procedure.

Use of Internet Procedure

This document supports staff to adhere to the guidelines for the acceptable use of communication devices and access to online information resources.

It also addresses the use of technology as a means of harassment and states that WSD:

- May impose disciplinary measures for conduct that occurs off school property where there is evidence of an online threat or intimidation which results in a disruption in the school community or is harmful to the physical or mental well-being of students or staff
- Hate mail, harassment, discriminatory remarks, and other anti-social behaviours are prohibited on the network

No issues were found with this procedure.

Personnel Records Policy

This policy specifies that personnel files shall be maintained in the Human Resources Department on each WSD employee. It states that these files should include applications, resumes, performance appraisals, letters of commendation and reprimand, criminal and child abuse reference check, personal leave information and any other correspondence regarding an employee.

The policy also states that, at the request of the employee, confidential material such as reports from physicians or surgeons, summaries of counselling sessions, etc., shall be in a sealed envelope. While not specifically addressed by the Manitoba Human Rights Commission, the Ontario Human Rights Commission states that “a person’s medical information should be kept separately from their personnel file.”²¹

The policy permits employees, upon request, to examine the content of their personnel file in the presence of the Chief Superintendent or designee.

Recommendation 20: It is recommended that employee medical information not be retained in their personnel file.

²¹ Ontario Human Rights Commission. (2016, June 27). *Policy on ableism and discrimination based on disability*. https://www3.ohrc.on.ca/sites/default/files/Policy%20on%20ableism%20and%20discrimination%20based%20on%20disability_accessible_2016.pdf

Policy Gaps

Accommodation Policy and Administrative Procedures

The Manitoba *Human Rights Code* requires that all employers provide accommodation based on any Code-protected characteristic. Accommodation is most often requested based on disability, family status, religion, and gender identity. The *Accessibility for Manitobans Act* also identifies specific measures to ensure persons with disabilities are provided accommodation.

Such a policy would help ensure that principals and managers understand their legal obligations to provide accommodation and that employees understand their legal right to request and receive accommodation, free from reprisal. Procedures for requesting and receiving accommodation should also be developed to ensure consistency in the process.

This policy should also address that Human Rights Commissions consider organizations to be one employer, regardless of the existence of multiple bargaining units. This may require flexibility on the part of unions, which may include waiving certain provisions, such as a posting requirement or seniority provision, in order to accommodate someone who requires accommodation. Once an employer has concluded that it is not possible to accommodate an employee within their own bargaining unit, the employer must consider accommodations in other bargaining units and, under certain circumstances, contract positions. For example:²²

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

²² Learning Disabilities Association of New Brunswick. (n.d.). *The scope of the duty to accommodate*. <https://www.ldanb-taanb.ca/duty-to-accommodate-2/the-scope-of-the-duty-to-accommodate/>

Recommendation 21: It is recommended that WSD develop an Accommodation Policy to address the Division's obligations to provide accommodation based on any Code-protected characteristic.²³

Scent-Free Workplace Policy

Under the Manitoba *Human Rights Code*, employers are legally obligated to accommodate persons with disabilities, where disabilities may include asthma, allergies, and even sensitivity to fragrance.²⁴ In addition, the Canadian Centre for Occupational Health and Safety encourages employers to be proactive about providing a scent-free workplace.²⁵

In order to meet these obligations WSD should develop a Scent-Free Workplace Policy as recommended by various organizations, including the Canadian Centre for Occupational Health and Safety²⁶ and the Canadian Human Rights Commission.²⁷ In addition, guidance by lawyers suggest that employers should develop a policy to create scent-free workplaces:²⁸

...employers would be well advised to develop a fragrance-free workplace policy, educate employees on the policy and enforce it consistently. When an employee raises concerns of scents in the workplace, employers should address the problem by requesting additional information with respect to the employee's restrictions (including medical documentation) and discussing with the employee what accommodation the employee is requesting.

This policy should be cross referenced with the policy on smudging/burning of traditional medicines.

Recommendation 22: It is recommended that WSD develop a Scent-Free Workplace Policy to reflect the organization's obligation to accommodate an employee with scent

²³ Manitoba Human Rights Commission. *Sample Accommodation Policy for Employers*. <http://www.manitobahumanrights.ca/v1/education-resources/resources/sample-policies-pages/sample-policies-sample-accommodation-policy-for-employers.html>

²⁴ Ontario Human Rights Commission. (2016, June 27). *Policy on ableism and discrimination based on disability: 8. Duty to accommodate*. <https://www.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability/8-duty-accommodate>

²⁵ Canadian Centre for Occupational Health and Safety. *Scent-Free Policy for the Workplace*. https://www.ccohs.ca/oshanswers/hsprograms/scent_free.html

²⁶ Canadian Centre for Occupational Health and Safety. *Scent-Free Policy for the Workplace*. https://www.ccohs.ca/oshanswers/hsprograms/scent_free.html

²⁷ Canadian Human Rights Commission. *Environmental Sensitivity and Scent-Free Policies*. https://publications.gc.ca/collections/collection_2021/ccdp-chrc/HR4-46-2-2019-eng.pdf

²⁸ CC Partners. *The Employers' Edge: Do employers have a duty to accommodate employees with scent sensitivity?* <https://www.ccpartners.ca/blog/details/the-employers-edge/2012/09/06/do-employers-have-a-duty-to-accommodate-employees-with-scent-sensitivity->

sensitivity, short of undue hardship.²⁹ This policy and supporting procedures should include processes to:

- Educate employees on the need to maintain a scent-free workplace
- Allow for smudging/burning of traditional medicines in properly ventilated areas
- Post notices in the workplace when a scent sensitivity has been identified
- Post notices that construction/re-modeling, waxing, shampooing, painting, spraying, etc., will be conducted 1 week beforehand so that affected personnel can make arrangements or have their duties modified during that time
- Put the policy statement notice on all appointment cards, stationery, room booking notices, employment postings, etc.
- Specify wording for “Scent Free” signs and where the signs will be posted, and
- Create mechanisms to consistently enforce the policy.

Preferred Names and Pronouns Policy

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

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

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

Recommendation 23: It is recommended that WSD develop a policy and procedures for employees to identify their preferred name, if it differs from their legal name, upon

²⁹ See for example the following policies:

Ottawa Public Health. *Fragrance Free Environment: Sample Policy*. https://www.ottawapublichealth.ca/en/professionals-and-partners/resources/Documents/Workplace/sp_fragrance_en.pdf

Children’s Aid Society of Toronto. *Scent Free Policy*. <https://www.torontocas.ca/scent-free-policy>

hiring (and potentially even during interviewing), as well as procedures to support the use of their preferred name unless use of their legal name is required.

Recommendation 24: It is recommended that WSD educate staff about employees' and students' use of preferred names and pronouns.

Transitioning in the Workplace Policy and Administrative Procedures

The process of a transgender individual publicly changing their gender presentation in society is known as “transitioning.” The transitioning individual usually changes their name, clothing, and appearance to coincide with their gender identity. This process may also encompass physical changes resulting from hormone therapy and gender confirmation surgery.

Because of existing stereotypes both in the workplace and in society in general, many transgender individuals face difficult situations and interactions simultaneously in their personal (e.g., family, finances) and professional lives. This can lead to high stress levels, particularly when individuals are in the initial stages of transitioning. As such, it is important that the individual be supported to work with their manager and Human Resources representative in an open and honest way to allow a smooth transition in the workplace. It is also imperative that the organization have a policy and guidelines to support this transition. This policy should recognize that each individual transitioning is dealing with a set of unique circumstances that will require a customized plan.

Recommendation 25: It is recommended that WSD develop a policy and related procedures to support transgender employees who may be transitioning at work.³⁰

Additional Issues

The policy review also identified that several policies and administrative procedures that include gendered language, e.g., “he/she”, “birth mother.”

In addition, some of the policies provided for this review were quite outdated, with some last updated in the 1990s. The school division should have a regular review schedule for all policies to ensure that they are up-to-date and in compliance with current legislation.

Recommendation 26: It is recommended that the Division establish a review schedule to ensure that each human resource policy is reviewed at least once every three years and that the review be conducted through an equity lens.

Recommendation 27: It is recommended that the Division use its policy review process as an opportunity to incorporate gender-neutral language in all policies.

³⁰ See for example:

City of Toronto. *Guidelines for Accommodating Gender Identity and Gender Expression*.
<https://www.toronto.ca/city-government/accountability-operations-customer-service/city-administration/corporate-policies/people-equity-policies/accommodation/guidelines-for-accommodating-gender-identity-and-gender-expression/>

7. Recruitment and Selection Processes and Practices

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

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

The nature of the recruitment and selection process renders it susceptible to systemic barriers and individual biases. Consequently, it is important to use a structured process to minimize the potential for barriers and biases. A structured process helps to ensure that only clearly defined job-related criteria are used to assess candidates at each stage of the process and that steps are taken to mitigate cultural and personal biases. While a structured process does not guarantee the elimination of barriers and biases, it does help to reduce their impact. It also helps to reduce the level of subjectivity in the hiring process, which may undermine the Division's strategic priorities and human rights obligations.

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. Reference checks
8. Staffing files
9. Hiring decisions.

7.1 Job postings

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

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

Wording of job postings

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

Most job postings specify the duties of the position along with the required qualifications. This helps job seekers customize their resume to the position for which they are applying. It also helps job seekers understand the qualities that the organization is seeking in their employees. However, duties and qualifications are not included on all of the job postings for teaching positions.

Recommendation 28: It is recommended that a description of the job, duties, skills, and qualifications be included on each job posting.

Recommendation 29: It is recommended that the salary range be included on each job posting.

Equity and accommodation statements

Equity and accommodation statements are an important component of the job posting and supports a diverse applicant pool. This statement also helps WSD to meet its obligation under the Manitoba *Human Rights Code* and the *Accessibility for Manitobans Act* to offer and provide accommodation to prospective employees based on any Code-protected characteristic.

Each WSD job posting includes the following equity statement:

Winnipeg School Division has an Employment Equity policy which strives toward a fair representation of women, Indigenous peoples, persons living with a disability and minorities at all levels within the organization.

This statement uses the out-of-date term “minorities”. The term “racialized people” is a more up to date term which was coined in response to criticism by the United Nations about the term “visible minority”.³¹ However, it may not be a term that is familiar to Manitobans. As such, WSD might wish to use the term “racialized people” with “visible minorities” in parentheses to ensure that job seekers understand the term.

The equity statement on some job postings is somewhat different, with some also using the out-of-date term of “aboriginal peoples.”

The equity statement limits the objectives of employment equity to representation. This statement could be expanded by stating the commitment of WSD to also remove barriers to hiring, advancement, and full inclusion of these groups in the workplace. For example:

Winnipeg School Division has an Employment Equity policy which strives toward removing barriers to hiring, advancement, full inclusion, and the fair representation of women, Indigenous peoples, persons living with a disability and racialized people (visible minorities) at all levels within the organization.

In addition, WSD job also include an accommodation statement:

Winnipeg School Division will provide reasonable accommodations to applicants disabled by barriers during the interview and assessment process, upon request.

While this statement helps WSD comply with the requirements of the AMA, the Division also has a duty to provide accommodation to other job seekers, based on any Code-protected characteristic, who require accommodation to participate in the hiring and selection process, such as by changing the meeting date and time to accommodate those with family care responsibilities or religious observances.

While the equity and accommodation statements are included on job postings, these statements are not included on the Careers webpage itself.

Recommendation 30: It is recommended that the Division revise its equity statement to use the up-to-date terms of Indigenous peoples and racialized people (visible minorities).

Recommendation 31: It is recommended that the Division expand the equity statement to also state a commitment to removing barriers to hiring, advancement, and the full inclusion of Indigenous peoples and members of the equity-seeking groups.

³¹ CBC News. (2007, March 8). *Term ‘visible minorities’ may be discriminatory, UN body warns Canada.* <https://www.cbc.ca/news/canada/term-visible-minorities-may-be-discriminatory-un-body-warns-canada-1.690247>

Recommendation 32: It is recommended that the equity and accommodation statements be included on each job posting as well as on the Division's Careers webpage.

Recommendation 33: It is recommended that the accommodation statement be updated to state that the Division will provide accommodation to all applicants based on any Code-protected characteristic during the interview and assessment process, upon request.

Equity-related qualifications

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

The following qualification was found on one job posting:

Demonstrated ability to interact with a culturally and economically diverse community with sensitivity, tactfulness, diplomatically and professionally.

For substitute teacher positions the following statement is included:

Joining Winnipeg School Division means getting the opportunity to work in schools in a variety of communities throughout Winnipeg that are culturally diverse and emphasize the inclusion of all students.

However, similar equity-related qualifications were not included on all job postings, including those for Speech-Language Pathologists, School Psychologist, or teachers.

Recommendation 34: It is recommended that the Division include equity-related competencies specific to each role, and that these competencies be reflected within the job postings and assessed through the selection process.

7.2 Advertising job openings advertising job openings

The Division uses its website as its primary means of advertising job openings to the public. For professional or specialist positions, the Division conducts broader advertising, including posting job postings in newspapers, through professional associations, and social media.

Careers Webpage

This review found several positive aspects to the Careers webpage that would encourage job seekers who are Indigenous or from the equity-seeking groups to apply to a position with the organization. The Careers webpage:

- States that WSD has an Accessibility Plan and Employment Equity Policy, which strives toward a fair representation of women, Indigenous peoples, persons living with a disability, and minorities at all levels of the organization
- The webpage states that the school division nurtures a welcoming and inclusive culture of people committed to working together to inspire students to reach goals and achieve academic success
- It provides information to job seekers about how to submit an application for teaching, support, and volunteer positions
- It also lists job openings and provides an application form to allow job seekers to apply online.

The Careers webpage could better support Indigenous job seekers and job seekers from the equity seeking groups by providing further information on:

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

Information could also be provided for job seekers who are internationally trained. For example, some organizations provide information such as the following to help job seekers have their qualifications assessed:³²

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

[International Credential Assessment Services of Canada](#)

[University of Toronto](#)

[World Educational Services](#)

³² PDSB Careers webpage: <https://www.peelschools.org/careers>

Recommendation 35: It is recommended that the Careers webpage be updated to provide the following information:

- What to expect in the interview process
- Application and interview tips
- Other benefits of working at the WSD
- Answering frequently asked questions, including “What types of accommodation will be provided to support me to participate in the hiring and selection process?” “What if my interview falls on a holy day or holiday?” and “What is the process to request an accommodation?”
- The process that will occur should a candidate’s Police Information Check and Child Abuse Registry Check not be clear
- Information for internationally trained professionals who wish to have their credentials assessed.

Outreach recruitment

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

Recommendation 36: It is recommended that WSD engage in targeted outreach recruitment to attract applicants by sharing job postings with community and professional organizations that serve Indigenous peoples and the equity-seeking group to help diversify the applicant pool for all positions.

7.3 Application form

Job seekers are able to apply online to job openings. The online application form asks various questions to collect a range of information, including:

- Pronoun(s)
- Have you ever been convicted of an offence under the Criminal Code of Canada for which a pardon has not been granted? (If yes, the applicant is asked to provide a comment about the conviction)

- Are you legally eligible to work in Canada?
- Are you willing to re-locate?

Applicants are also asked to upload the following documents:

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

Requiring job seekers to upload their certificates and diplomas opens WSD 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.³³

As previously noted, WSD should also provide guidance to those involved in the hiring process should a candidate not be able to provide their original certificate or degree. This is important for refugees and others who may be unable to supply the documents needed to verify their academic credentials. While many refugees have been successful in obtaining their official documentation from their home institutions, either through their own efforts or through embassies, there are some cases where accommodation may be needed.

The application form also asks the following questions:

- Which of the following best describes your current status: Canadian citizen; permanent resident (landed immigrant); work permit.

The Manitoba *Human Rights Code* protects individuals from discrimination based on nationality or national origin. As such, job seekers can be asked if they are legally able to work in Canada. Employers are not entitled to ask applicants about their specific citizenship status.³⁴

³³ Szeto, E. & Vellani, N. (2017, September 10). '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>

³⁴ Saskatchewan Human Rights Commission. *Discrimination in Employment on the Basis of Nationality or Place of Origin*. <https://saskatchewanhumanrights.ca/education-resources/information-sheets/discrimination-in-employment-on-the-basis-of-nationality-or-place-of-origin/>

- Are there any criminal charges against you? (If yes, please provide details of the charge. Answering “Yes” to the above question will not automatically result in exclusion from employment. The requirements of the position and the circumstances related to the charge will be considered. You will be informed of the process if a decision is made not to employ you as a result of a criminal record.)

This section does inform job seekers that criminal charges will not automatically preclude them from employment with WSD and that there is a process to review the information provided.

Job seekers are also asked to self-identify as belonging to various groups.

- Do you self-identify as:
 - A woman
 - A man
 - A person who is Transgender, Two-Spirit, Gender Nonconforming, Gender Variant, and/or Gender Non-Binary
 - A person who is Lesbian, Gay, Bisexual/Pansexual and/or Queer
 - Indigenous (select all that apply: First Nations, Metis, Inuit, Indigenous identity not listed)
 - Racial group (Black, East Asian, Latino/Latina/Latinx, Middle Eastern, South Asian, Southeast Asian, White)
 - Person with a disability (specify all that apply: coordination of dexterity; mobility; speech impairment; deaf; partial hearing impairment; blind; partial visual impairment; non-visible physical impairment; mental psychiatric, sensory or learning impairment; other disability)
 - Fluency in multiple languages (specify which languages)

Given that the term Indigenous refers to people from around the world who have inhabited land from before the arrival of colonists, it is suggested that the term “Indigenous” be changed to “Indigenous to North American or Turtle Island” to ensure that it is not capturing people Indigenous to other parts of the world.

They are then asked about whether they agree to the use of this information:

I agree the information provided in this form may be used for human resource management purposes (statistical/analysis/reporting) and may be used to develop special programs for designated group members, and to tailor Human Resources policies, and procedures to address Employment Equity goals.

While this data is asked of job seekers, it does not appear that the data is used to identify barriers in the hiring process or to support the diversification of the workforce. Applicants are not informed about whether the demographic information will be considered in the selection process.

Recommendation 37: It is recommended that WSD develop processes to ensure that it is not accepting fraudulent educational credentials.

Recommendation 38: It is recommended that WSD ensure that it is not in violation of human rights and guidance will be provided to those involved in the hiring process should a candidate not be able to provide their original certificate or degree.

Recommendation 39: It is recommended that WSD remove any questions related to citizenship from the application form.

Recommendation 40: It is recommended that WSD use the term “Indigenous to North America or Turtle Island” to ensure that the survey is not capturing people who are Indigenous to other parts of the world.

Recommendation 41: It is recommended that WSD develop procedures to ensure that it makes use of the self-identification data to identify barriers in the hiring process and to support the diversification of the workforce.

Recommendation 42: It is recommended that WSD inform job applicants whether and how their demographic data will be considered in the selection process.

7.4 Accommodation during the hiring and selection process

During the hiring and selection process, the Manitoba *Human Rights Code* requires that organizations accommodate both existing and prospective employees based on any Code-protected characteristic. The AMA also requires that persons with disabilities receive accommodation in the hiring and selection process, if necessary. The Employment Standard in the AMA requires that organizations:³⁵

- Inform applicants that reasonable accommodations are available on request and consult with affected applicants on the requested accommodation
- Offer and provide reasonable accommodations to the individuals participating in the selection process, and
- Notify new hires about the organization's policies for accommodating employees in the workplace

³⁵ Government of Manitoba. (2021, February). *Introduction to Manitoba's Accessibility Standard for Employment*. https://accessibilitymb.ca/pdf/introduction_to_standard_for_employment.pdf

As previously noted, the Careers webpage could provide more information to help job seekers understand their right to accommodation, based on any Code-protected characteristic in the hiring process. In addition, the Careers webpage should inform job seekers that they should make their accommodation needs known when they are contacted for an interview.

The job application asks the following:

Winnipeg School Division will provide reasonable accommodations to applicants disabled by barriers during the interview and assessment process, upon request. Is there anything you would like to disclose to Winnipeg School Division?

By asking about the need for accommodation in the application process, WSD runs the risk of hiring managers considering this information when determining who to invite for an interview. In addition, job seekers may not answer this question out of fear that it may be considered when determining who to invite for an interview. Rather than ask this question on the application, it would be best to ask job seekers at the time they are invited for an interview.

A recommendation was previously made that job seekers not be asked about their accommodation needs on the application form.

Recommendation 43: It is recommended that all Human Resources staff along with managers and school administrators involved in hiring be provided with guidance on AMA requirements to ask about and provide accommodation in the hiring process, and that they be reminded that a candidate's need for accommodation is not to be considered when making a hiring decision.

Recommendation 44: It is recommended that the Careers webpage communicate to job seekers that WSD will provide accommodation in the hiring process, short of undue hardship, based on any Code-protected characteristic, and that job seekers should let their accommodation needs be known when they are contacted for an interview.

7.5 Pre-screening

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

The staffing files provided for this review typically did not include a pre-screening form. As a result, the consultants had no way of determining how resumes are

reviewed nor how applicants were assessed and invited for an interview. Where a pre-screening form was included, it was unclear what factors were considered when inviting candidates for an interview.

Recommendation 45: It is recommended that Human Resources Services develop, share, and require the use of a pre-screening form to support the consistent assessment of applicants in order to determine who is invited for an interview and that this form be retained in the staffing files.

7.6 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.³⁶ 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.³⁷ 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 members of the equity-seeking groups.

Decades' worth of research conducted in Canada and the United States demonstrate the impact of gender, race, and ethnicity on various aspects of employment. This research suggests that both conscious and unconscious biases influence interactions with and the assessment of job candidates. One study found that in the hiring process, men are judged based on their potential and women on their past performance.³⁸ Some studies found that when there was a hiring decision to be made,

³⁶ Polisar, J., & Milgram, D. (1998, October). Recruiting, integrating and retaining women police officers: Strategies that work. *The Police Chief*, 65(1), 42–52.

³⁷ Bohnet, I. (2016, April 18). How to take the bias out of interviews. *Harvard Business Review*. <https://hbr.org/2016/04/how-to-take-the-bias-out-of-interviews>

³⁸ Jacobs, T. (2019, April 25). Men are judged based on their potential; women are judged based on their past performance. *Pacific Standard*. <https://psmag.com/economics/men-are-judged-based-on-their-potential-women-are-judged-based-on-their-past-performance>

men of equal skill and ability were more likely to be hired over their female peers.³⁹ There is also evidence that the qualifications and work experience of immigrants are likewise undervalued, and that biases against those with “ethnic-sounding” names negatively affect the ability of job applicants to be considered for positions for which they are fully qualified.⁴⁰

To minimize the effect of bias on candidates who are Indigenous or from the equity-seeking communities, organizations typically strive to ensure diversity among interview panels. A more diverse panel increases the validity of the interview as a primary selection tool and decreases the differences in outcomes between equally qualified candidates from various groups. It also decreases the likelihood of gender or cultural bias in the interview process, which in turn increases the fairness—and perceptions of fairness—of the process.⁴¹

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

7.6.a Interviews

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

Use of an interview panel

The review of the competition files indicates that interview panels of two or more individuals are consistently used in the hiring process. However, there is no indication that hiring managers are advised to make an attempt to include people from diverse backgrounds on the interview panel. This is particularly important when hiring for positions that focus specifically on Indigenous students.

Recommendation 46: It is recommended that hiring managers are advised to include people from diverse backgrounds on the interview panel. When hiring for positions with a specific focus on Indigenous students, the hiring panel should be comprised predominantly of Indigenous peoples.

³⁹ Gonzalez, M. J., Cortina, C., & Rodriguez-Menes, J. (2019, March). Are women less likely to get hired? *La Caiza Social Observatory*. <https://observatoriosociallacaixa.org/en/-/mujeres-oportunidades-contratadas>

⁴⁰ Cruickshank, A. (2017, December 26). Black job seekers have harder time finding retail and service work than their white counterparts, study suggests. *Toronto Star*. <https://www.thestar.com/news/gta/2017/12/26/black-job-seekers-have-harder-time-finding-retail-and-service-work-than-their-white-counterparts-study-suggests.html>

⁴¹ Dechief, D., & Oreopoulos, P. (2012). Why do some employers prefer to interview Matthew, but not Samir? New evidence from Toronto, Montreal, and Vancouver. Canadian Labour Market and Skills Researcher Network Working Paper No. 95. <http://dx.doi.org/10.2139/ssrn.2018047>

Scoring

The review of the competition files found that Interview Guides were used. These forms included the interview questions, indicators of proficiency, and a scoring scale. The scoring scale allowed interviewers to assess the candidate's responses as follows:

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

In some of the files reviewed, the Interview Guide included the interview questions and the responses sought from the candidate to demonstrate their proficiency and to support the fair and consistent assessment of candidates.

In some of the files, it appears that some members of the interview panel were considering subjective and non-job related factors in the hiring process, which could put Indigenous peoples and members of the designated groups at a disadvantage. They included comments such as:

- Comments about the candidates' demeanour were included, such as the candidate "was able to clearly articulate a passion for helping students to find success," and "She presented herself as a positive person." Such comments are problematic given that one's demonstration of "passion" or "positivity" are culturally determined. In addition, the assessment of such characteristics are subjective, which could put Indigenous peoples and members of the equity-seeking groups at a disadvantage.
- Comments were included about a candidate stating that they need a moment to gather their thoughts and refocus their response. This could put those who need time to process information at a disadvantage.

Recommendation 47: It is recommended that training be provided to all those involved in the hiring process to ensure that they have the knowledge and skills to support a bias-free hiring process. This should include training to help them understand how and why they should provide accommodation during the hiring process and that the need for accommodation should not be considered when making the hiring decision.

Recommendation 48: It is recommended that all those involved in hiring receive mandatory training to help them understand and minimize the impact of unconscious bias in the hiring process and understand how to create bias-free hiring processes that focus on the objective assessment of candidate's job-related skills and abilities.

Recommendation Report

Following the interviews, the selection committee is often required to complete a recommendation report to indicate that they have completed the recruitment and interview process, describe the process, and identify the successful applicant and the justification for the hiring recommendation.

While attachments to the recommendation report include the completed scoring sheets from the interview committee, there is no requirement for a pre-screening form that shows the assessment of all those who applied for the position and justify the candidates that were selected for an interview. The recommendation report could also be strengthened by including information that specifically relates to how candidates were assessed in relation to equity competencies and the strengths they demonstrated in this area.

Recommendations to address these issues are included elsewhere in this report.

7.6.b Interview Questions

The competition file review found many examples of good interview questions that were relevant to the position and allowed the interview panel to assess the candidate's qualifications. Some included equity-related questions, including asking teachers how they create an inclusive learning environment and how they integrate Indigenous perspectives into the classroom. Equity-related questions, however, were not always asked for each competition.

The review also found many questions that were experiential (e.g., What experience do you have in..., Describe your experience with ...) and knowledge and skill based (e.g., Please state your knowledge of...). In some cases, all the interview questions asked were experiential and knowledge-based.

In other staffing files, we found a good mix of experiential and knowledge-based, along with behavioural (e.g., "Tell us about a time when . . .") and situational questions (e.g., "What would you do in the following situation?"). Including these types of questions would help those without direct experience demonstrate that they have transferrable skills for the role.

Hiring managers are given the responsibility to develop the interview questions used in each competition. In our review of the competition files, we identified that candidates were sometimes asked questions that were unrelated to assessing their skills and abilities for the job. These included the following types of questions:

- **Questions unrelated to the duties of the job:** Some questions can appear to be job-related but don't help to assess a candidate's skills and abilities for the job. Some of these include:

- o What makes you uncomfortable?
- o What have you learned about Winnipeg School Division?
- **Gender and culturally-biased questions:** Some interview questions are gender and/or culturally-biased and may be difficult for some candidates to answer because of gender socialization and because in some cultures speaking specifically of one's accomplishments is seen as "bragging" and is frowned upon:
 - o What skills do you have that would make you a suitable candidate?
 - o Tell us about your experiences and why you would be a good candidate for this position.

These questions require candidates to "sell themselves" to the interview panel, which favours men, as most men are socialized to be overconfident.⁴² It also puts people from the dominant Canadian culture at an advantage, as people from many other cultures are socialized to be humble when speaking about themselves. The desired characteristics are also more likely to be demonstrated by men from the dominant culture than by men from other cultures, as masculine norms differ across cultures.⁴³ As such, these types of questions do not support the hiring of Indigenous peoples or members of the equity-seeking groups; such questions may in fact undermine their success in the interview process even when they are better qualified than other candidates.

- **Questions that the seasoned candidate can easily answer:** These questions are not related to the job and in fact put candidates who have a good deal of experience interviewing at an advantage because they know the "right" answers rather than an honest answer:
 - o What intrigues you about this position?
 - o Why did you apply for this position?
 - o Why are you applying for a part-time position?
 - If you are successful how long can we count on you to stay with this job?
 - What would you like or hope to be doing three to five years from now?
 - Are you interested in any other opportunities or positions with us or any other company in the transportation industry? (Please explain)

⁴² Chamorro-Premuzic, T. (2013, August 22). Why do so many incompetent men become leaders? *Harvard Business Review*. <https://hbr.org/2013/08/why-do-so-many-incompetent-men>

⁴³ Chen, S. (2016, July 5). Chinese tradition of humility and self-effacement disguises people's true emotions, research suggests. *South China Morning Post*. <https://www.scmp.com/news/china/article/1985661/chinese-tradition-humility-and-self-effacement-disguises-peoples-true>

- **Questions to assess personal fit:** Some questions aim to find out if the candidate fits into the organization and suggests that WSD doesn't value diversity and different working styles:
 - o How would your co-workers describe you?
 - o What type of people do you like working with the most? The least?
 - o Why do you want this position? (to assess commitment to stay)
 - o Describe the teaching position that would best use your skills and provide the greatest professional fulfillment
 - o What do you believe to be the most important characteristic of a Middle Years teacher?
 - o If we were to ask a reference of yours the following question... Describe _____, the strengths and challenges – what would they say?
- **Things WSD should be telling them:** Some questions asked candidates for information WSD should be providing them or working with the successful candidate to determine once they have been hired:
 - o What have you heard/know about [the school]?
 - o What do you think will be the most difficult part of being a school bus driver?
 - It may not be much fun cleaning off snow and scraping ice from your car on a bitterly cold winter morning. How do you feel about having to do that with a bus each school morning?
 - o Let's image what it would be like if you were to become a school bus driver with us.
 - o What time do you think you will have to get up in the morning?
 - o Share your understanding of the role of [the position] in schools. What personal and professional characteristics would you say are most vital to this role?

This review also did not find that interview questions related to equity and diversity were included for the majority of positions. Such questions were not asked for teacher positions, nor in most of the competition files we reviewed, including job postings for managers, psychologists, and social workers.

We did not find guidance for the interview panel to indicate that candidates are provided with a written copy of the interview questions to refer to during the interview.

This is a best practice that supports those who are visual learners to understand the question and fully respond to it. Providing a copy of the interview questions a few minutes prior to the interview further supports candidates to prepare their responses and manage the time allotted for the interview.

Recommendation 49: It is recommended that the hiring panel receive guidance on interview questions including: that a question to assess the candidate's equity-related competencies ought to be included; that a mix of different types of interview questions should be included (i.e., behavioural, situational, technical or knowledge, and experience); and guidance to support questions that focus on assessing the candidate's skills and abilities for the job. This may also include developing a pool of interview questions related to various competencies from which hiring managers are able to select.

Recommendation 50: It is recommended that a Hiring Toolkit be developed to:

- Provide guidance to hiring managers on developing interview questions that focus on assessing the candidate's skills and abilities to do the job and the need to score each question against predetermined "look fors"
- Educate members of the hiring panel about how cultural, gender, and other biases may impact their hiring decisions. This should include instructing panel members to ask interview questions that assess a candidate's skills and abilities to do the job and not other factors such as their perceived "passion" for the job
- Require that the interview panel provide a written copy of the interview questions for the candidate to refer to during the interview and, where possible, allow the candidate to review the written questions a few minutes prior to the interview
- Include instructions for interview teams that reflect a number of best practices:
 - o Open the interview by explaining the process to the candidate, including the number of questions to be asked and the time allotted for the interview
 - o Guidance on the use of "look fors"
 - o Guidance on probing
 - o Consensus scoring
 - o Guidance on cultural norms (e.g., candidates not making eye contact)
- Address the potential impact of unconscious bias in the hiring process, including tips for hiring managers to mitigate the impact of bias on the hiring process.

7.6.c Testing

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

Recommendation 51: It is recommended that hiring panels receive guidance on other forms of assessment, such as presentations and testing that can be employed to better assess a candidate's skills, and to ensure that these assessments are consistently administered and scored and that candidates are asked whether they require any accommodation to complete the test.

7.7 Reference checks

Reference checks are conducted following interviews and are not conducted for internal candidates. No reference check forms were provided for this review.

Recommendation 52: It is recommended that reference checks include a question, appropriate for the position, on equity and diversity.

7.8 Staffing files

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

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

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

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

7.9 Hiring decision

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

Recommendation 54: It is recommended that guidance be provided to hiring managers on their responsibilities and the action to be taken to diversify the WSD workforce.

8. Principal and Vice Principal Promotion Process

Vice Principal pool

As needed, WSD conducts a selection process to identify candidates for inclusion in the vice principal pool to fill assignments as they become available.

Diversity is considered in the qualifications which include the following:

- Demonstrated understanding of current trends and issues in education, with a good working knowledge of curricula, programs, and teaching strategies
- Strong conflict resolution skills and the ability to manage difficult and/or sensitive situations
- Effective problem solver who is able to anticipate the needs of the complex and diverse school environment
- Proven ability to embrace, manage, and effectively communicate change to a large and diverse audience in order to continually improve the effectiveness of the school
- Demonstrated ability to resolve conflicts which may arise in a diverse and complex school environment.

The application includes the submission of the following:

- An Application for Administration Form
- Resume
- A statement of philosophy of education
- Names of three references, one of which is the person's current principal.

The requirement that one reference includes the person's current principal could pose a barrier for people who are new to a position, or who have a principal new to the role. Instead, they should be permitted to include their former principal as a reference in these circumstances.

The job posting describes the selection process which includes:

- Screening
- Interview
- Assessment centre that includes a variety of activities

Candidates who are included in the administrative pool, who are not appointed as a vice principal in the first year, will be provided with information on available leadership development opportunities.

While the job posting includes WSD's employment equity statement, it does not state that candidates will be provided with accommodation based on any Code-protected characteristic and that candidates should let their needs be known when invited for an interview.

Principal selection

When a vacancy for a principal comes up, in accordance with the policy on the Selection of School Administrators, meetings are arranged with staff and parent representatives by the Superintendent of Education Services, to obtain information on the characteristics and criteria to be considered in the selection of the new school leader.

The review of staffing files shows that the characteristics identified include the following:

- **Leadership and Management**
 - o Encourages celebration of learning while supporting the arts, physical education and STEM programming
 - o Supports a school wide approach to discipline and responds to behavioral issues in a fair, consistent and timely manner with appropriate follow-up with staff, students and parents
 - o Displays strong leadership, organizational and management skills and follows the WSD decision making policies and protocols
- **Instructional Program**
 - o Has experience with inclusive programming with a clear understanding of, and commitment to, inclusion of students with additional needs; understands Response To Intervention
 - o Identifies and develops programs in consultation with staff to meet diverse learning needs of students
- **Personnel**
 - o Encourages staff to be innovative and risk-taking, supports ongoing professional growth and provides opportunities for developing leadership skills

- **Communication and Relationships**

- o Highly involved and visible in the life of the school; demonstrates a sense of passion, inspiration, and innovation
- o Willingness to incorporate the values of the community into the daily life of the school; welcoming and encourages parental involvement
- o Understanding and experience working with students from different socio-economic and or diverse ethnic and cultural backgrounds;
- o Brings experience, knowledge and understanding of Indigenous peoples, culture and perspectives

The interview notes are not retained for principal promotion process.

Recommendation 55: It is recommended that the job postings for principals and vice principles state that candidates will be provided with accommodation based on any Code-protected characteristic and that candidates should let their needs be known when invited for an interview.

Recommendation 56: It is recommended that equity-related competencies be included in the characteristics sought in principals and vice principles.

Recommendation 57: It is recommended that the interview notes for principals and vice principles be retained for at least 18 months for review should there be a human rights complaint or grievance.

9. Employee Perspectives

This section examines aspects of the workplace that make employees feel welcomed and valued and allow them to fully contribute to the organization. These aspects include perceptions about the hiring and promotion process, accommodation, work environment, as well as violence, harassment, and discrimination prevention efforts. It also includes personal attitudes about and perceptions of WSD's commitment to equity, diversity, and inclusion.

The Canadian Human Rights Commission has identified the examination of attitudes and behaviours within an organization as a key component of an Employment Equity Audit. The Commission notes that without this analysis significant barriers can be missed by the organization, particularly when negative attitudes, stereotypes, and corporate culture play an important role in staffing.⁴⁴

⁴⁴ Canadian Human Rights Commission. (2002). *Employment systems review: Guide to the audit process*. <https://publications.gc.ca/site/eng/313423/publication.html>

While an unwelcoming work environment negatively affects Indigenous peoples and members of the equity-seeking groups, it can also have implications for other employees and the organization as a whole. Unhealthy workplaces have been linked to low productivity, high absenteeism, high turnover, high legal costs, and many hours of staff time needed to deal with a host of employee issues. Studies have also found that employees who work in workplaces that are not welcoming and inclusive are more likely to leave for other jobs, take extended leaves of absence, and retire early.⁴⁵ Unhealthy workplaces also negatively affect the mental health of employees,⁴⁶ which has contributed to mental health becoming the leading cause of short- and long-term disability absences.⁴⁷

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

This section summarizes the findings of the online survey, focus groups, and interviews with employees, managers, school administrators, union representatives, and senior leaders.

In total, over 600 people participated in the consultations for this audit: 494 people completed the online survey, 113 participated in the focus groups, 11 senior leaders were interviewed, four union leaders, and seven human resources staff. This represents about 10% of WSD's approximately 6,400 employees.

In the following sections, the data collected through the online survey is graphed, with the responses broken down for each group so that we are able to explore the

⁴⁵ See for example:

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

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

⁴⁶ Mental Health Works. (2016, February 29) How can the workplace contribute to or create mental health problems? <http://www.mentalhealthworks.ca/how-can-the-workplace-contribute-to-mental-health-problems/>

⁴⁷ 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/>

different perceptions and experiences of these groups: Indigenous peoples (43 survey respondents); racialized people (85); persons with disabilities (63); 2SLGBTQ+ employees (35); White women (171); and White men (51).

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

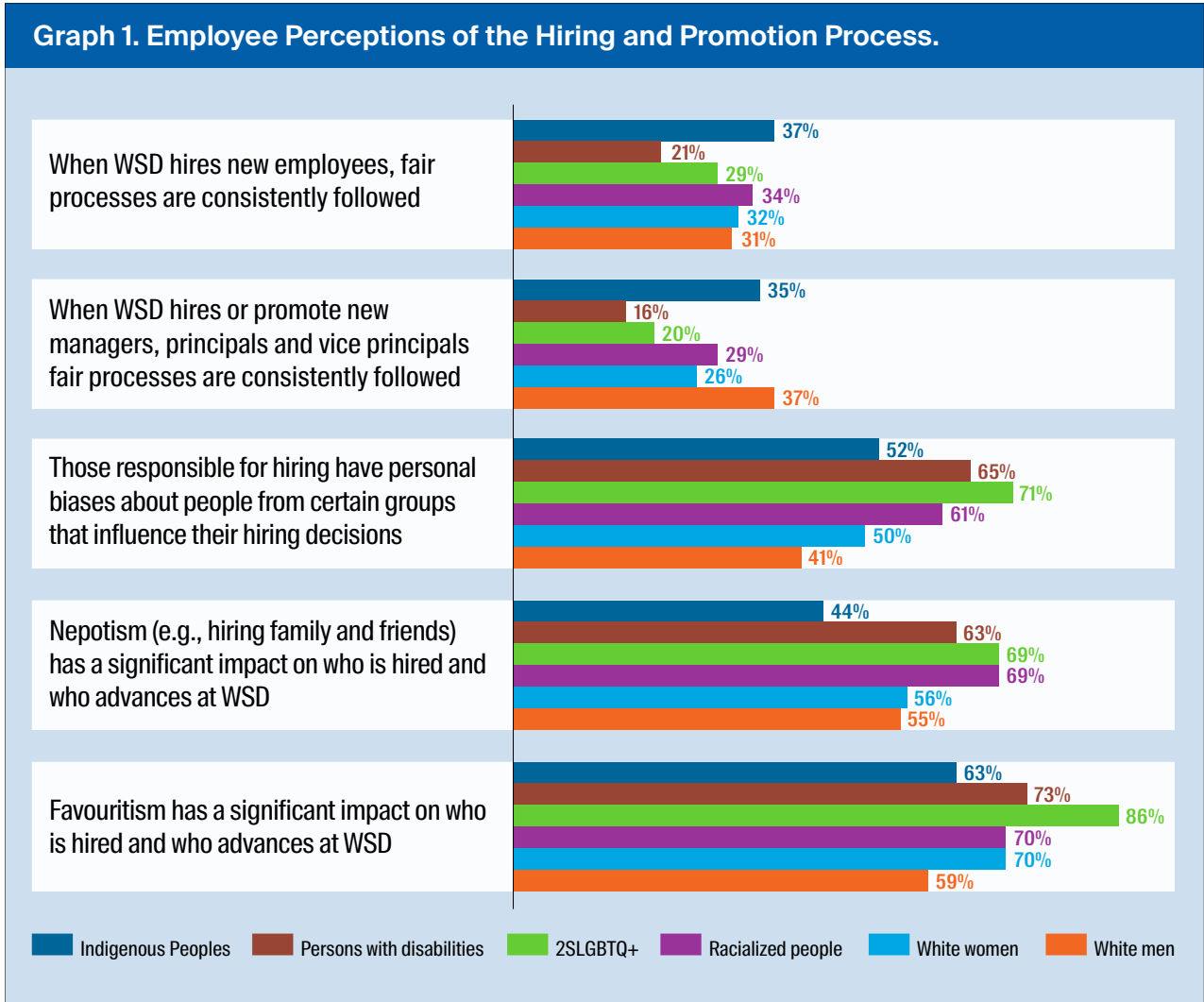
The report then goes on to explore the themes identified through the conversations with employees in the focus groups and interviews as well through the 143 pages of stories, information, and perspectives shared through the online survey.

While these perspectives provide insight into the overall experiences and perspectives of employees, it does not fully describe every workplace and work team in the organization. We therefore recognize that through the online survey, many employees reported that they experienced a welcoming and inclusive work environment and they have experienced fair treatment from the organization and the person to whom they report. In addition, some employees provided no comment because they do not experience any issues in the workplace.

Rather than being used to generalize the experiences and perspectives of all employees, the information shared through the online survey is used to identify where gaps and issues are experienced and what more WSD could do to create inclusive and welcoming work environments.

9.1 Perceptions of the hiring and promotion process

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

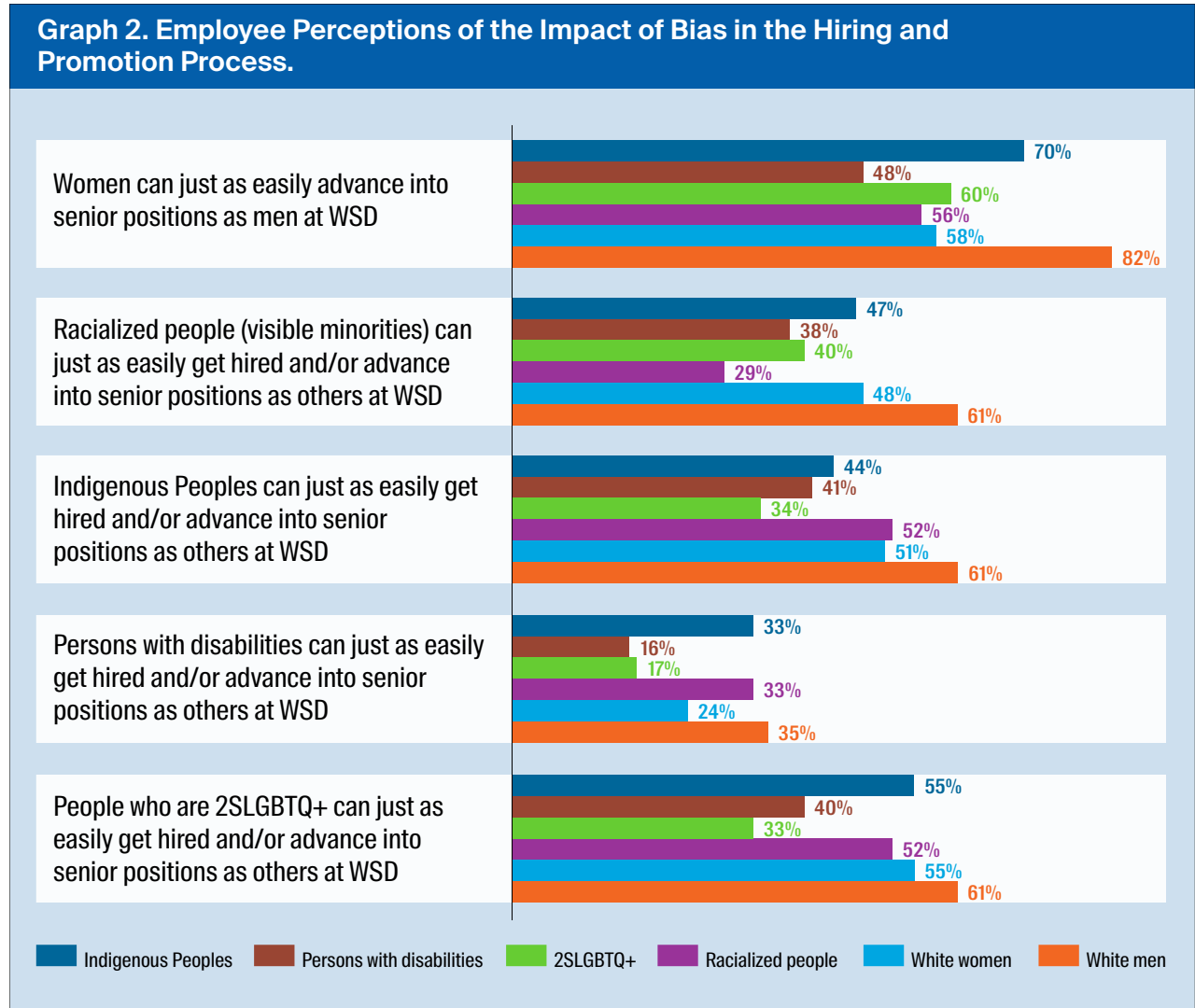


As Graph 1 shows, a small proportion of all six groups agreed with the various statements about the hiring and promotion process. Overall, a small proportion expressed confidence in the fair and consistent hiring and advancement at WSD. As the graph shows, about one-third or less of the survey respondents of all groups agreed that when WSD hires new employees, or hires and promotes new managers, principals, and vice principals fair processes are consistently followed.

When asked whether those responsible for hiring have personal biases about people from certain groups that influence their hiring decisions, over half of Indigenous peoples and members of the equity-seeking groups that responded to the survey (from 52% to 71%) agreed. Conversely, 50% of White women and 41% of White men agreed with this statement.

In addition, for most of the six groups, over 50% of each group agreed that nepotism and favouritism have a significant impact on who is hired and who advances at WSD.

The online survey also asked employees whether personal biases about people from certain groups influence hiring decisions and promotion process.



As Graph 2 shows, more than half of the survey respondents of most groups agreed that those responsible for hiring have personal biases about people from certain groups that influence their hiring decisions. As the graph shows, while survey respondents from the various groups expressed differing opinions on whether job seekers from various groups are able to be hired and advance as others at WSD, small proportions of survey respondents expressed confidence that racialized people, Indigenous people, persons with disabilities, and 2SLGBTQ+ employees can just as easily get hired and advance into senior positions at WSD.

White men were the most likely of all six groups to agree that employees from the designated groups can just as easily get hired and advance into senior positions at WSD.

Throughout the focus groups and comments in the online survey, employees shared their perspective about the hiring process at WSD. Some shared their perceptions that the hiring process is fair and unbiased and that WSD does a good job of hiring the best person for the job. Some noted that there have been changes to the hiring process in recent years, which they support and feel that these changes have strengthened WSD's ability to hire qualified employees.

However, a larger proportion of employees who participated in the consultations shared their lack of confidence in the hiring process to fairly assess job seekers and hire the best person for the job. The themes identified through the consultations include the following:

- ***Nepotism and favouritism:*** The most common theme shared through the consultations is the perception that hiring and advancement is primarily relationship-based not merit-based. Consultation participants shared their perception that the best qualified person is not always hired and that one's ability to be hired into a position and to advance within WSD is based on knowing the right people. They also shared that their principal serves as a gatekeeper to many opportunities, and, individuals are therefore overlooked for these opportunities because of this relationship.

Reference to WSD being an "old boys club" was made several times throughout the consultations, noting that those from the designated groups lack the personal connections that influence their ability to get a job and be supported for advancement within the organization.

Nepotism is out of control in WSD.

After being a part of this division for [over 10 years] I am sorely disappointed with hiring practices and the blatant nepotism displayed within HR and Admin. Teachers feel like numbers NOT people!

Nepotism occurs often in our division. Children of principals are often hired quickly, given permanent contracts right away, and put in positions that they desire over those who do not have family connections.

It seems to be pretty easy for managers/principals to find ways to hire the people they want, whether or not those are the most qualified people with the appropriate skills, experience and seniority.

If you're not in or recognized by the "club," forget it.

It appears that promotion is the "old boys club" or nepotism is evident in certain circles - although qualifications are not necessarily achieved? It is a requirement to have your current administrator write a reference if you wanted to advance or

participate in certain programs offered in WSD - what if that relationship is not strong? The word of one person holds the value?

- **Lack of transparency:** Another common theme from employees is that the hiring and promotion processes are not transparent. Employees shared that they don't understand the skills and abilities sought for positions and how hiring decisions are made. This therefore does not enable them to prepare for interviews in order to effectively highlight their skills and abilities for the role. This also leaves some employees suspicious of the process and of the successful candidate.

There is very little to no transparency as to why somebody is not offered a job/ interview even though they are very qualified and experienced. Many colleagues have applied to internal jobs hearing NOTHING from the division.

It's certainly not transparent, and widely open to unfair practices.

The hiring and promotion processes are vague, unclear and are secretive.

- **Lack of a competitive process:** Employees also shared their perspective that positions are not always filled through a competitive process, reinforcing their perception that hiring is based on relationships and not merit. In addition, they feel that the lack of a competitive process means that qualified individuals don't know about the position and do not get the opportunity to express an interest and demonstrate their competence for the role.

There seems to be no rhyme or reason to hiring and promotion practices. There are inconsistencies so extreme it has led to toxicity and dysfunction in work places. There is an example of an individual without [certain qualifications hired into] a leadership position who did not have to follow the same interview and hiring processes as the others in the same position.

Some people just get a phone call and have never had an interview.

Very opaque process. Way too many people placed into roles without fair competitions.

- **Biases about those with non-Canadian accents or who are English language learner:** A number of employees shared their perspectives that within WSD there is a general bias against hiring people with non-Canadian accents which further undermines the hiring of racialized people.

Others shared their perspective that WSD is hiring people who are not fluent in English, which undermines their ability to be effective in their position.

Sometimes long term subs and such are overlooked because they get trapped as a known sub, or because they have an accent.

I have had countless principals say they won't hire someone because they have an accent or they barely speak English.

Not enough emphasis is put on competence and language.

The ability to have a good understanding of the English language should be part of the screening process for hiring.

- **Focus on diversity over competence:** Concerns was also raised by employees that WSD has focused attention on hiring members of the designated groups and that this focus has meant that competence is overlooked.

Hiring and promotions are based more on a person's ethnic background than on the ability to do the job.

Sometimes it feels like in an effort to create diversity, people who are not in minorities, but who are more qualified for a position get over looked.

Hire the right person for the job based on experience, schooling and fit for school. Not to check a box to say we have x amount of this race. Best person for the job.

Stop pushing race/gender-based hiring. Start hiring based on competence.

Findings and Recommendations

Input from employees indicate that there is a low degree of confidence in the fairness of the hiring and promotion process. This can then create barriers when people who are capable and qualified do not apply to positions because they think that the process is unfair or believe that the outcomes are 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 WSD's need to diversify the workforce and to communicate the changes to hiring practices in order to strengthen employee confidence in the process.

Recommendation 58: It is recommended that WSD communicate changes to the hiring and promotion policies and procedures in order to increase confidence that these processes are fair and support the fair assessment of job candidates based on their skills and abilities to do the job.

9.2 Accommodation

9.2.a Accessibility and accommodation for persons with disabilities

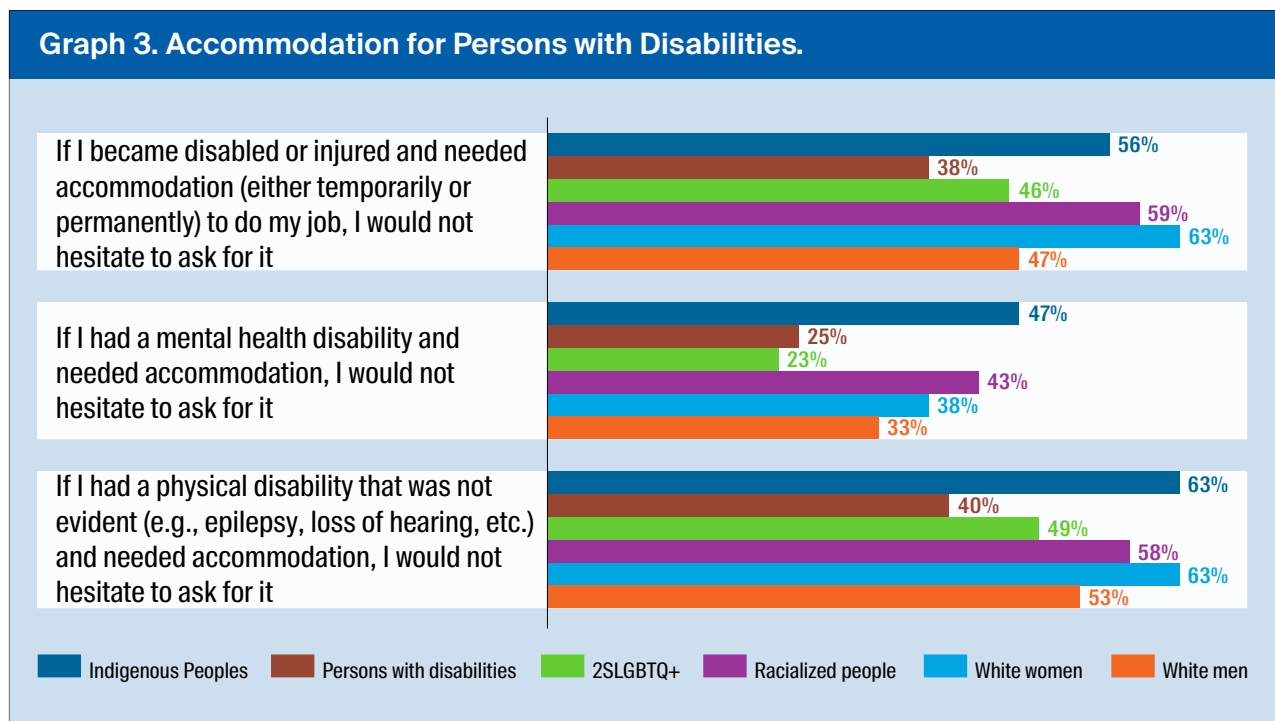
Accessibility and accommodation are fundamental and integral parts of the right to equal treatment in the workplace. This requirement may mean that certain aspects of the

workplace or the duties of a job may have to be changed to accommodate any employee protected by the Code. Providing accommodation to employees creates: a work environment that is flexible in how and when work is completed; a physical environment that allows all individuals to have equal access to the workplace and work tools; and an environment in which all employees are able to fully engage in the work environment.

The *Manitoba Human Rights Code* places legal obligations on all organizations to create workplaces that are free from harassment and discrimination. Furthermore, the *Manitoba Human Rights Code* and the *AMA* require organizations to provide accommodation to current and prospective employees, short of undue hardship. While accommodation is to be provided based on any Code-protected characteristic, it is most frequently requested based on disability, religion, family status, sex (related to pregnancy and breastfeeding), age (related to disability), and gender identity.

In addition, where organization-wide barriers exist, employers are expected to actively identify and remove them rather than require each affected employee to submit individual requests for accommodation. Where undue hardship prohibits the immediate removal of the barrier, interim or next-best measures should be put in place until more ideal solutions can be implemented or phased in.

The Workplace Equity and Inclusion Survey asked employees about accommodations for persons with disabilities. Graph 3 shows employee responses to these questions.



As the graph shows, when asked about accommodation, persons with disabilities—the WSD employees most in need of and most likely to have requested accommodation—were the least positive about accommodation.

Of the close to 500 employees who completed the survey, 120 provided comments about their experience with the accommodation process. These employees, along with those who participated in the focus groups shared experiences and perspectives of the accommodation process that were overwhelmingly negative.

A small number of these comments were positive about the process, with employees sharing that the person to whom they report, Human Resources and others have been extremely supportive of their request for accommodation. As some employees noted:

I needed to have a mental health break, I was fully supported by my supervisor. I felt heard and understood without having to worry about losing my job.

I had [an injury] and my admin and human resources worked with me to accommodate my return to work!! It was successful.

I had no issues with asking for a medical leave and receiving it.

Despite these positive experiences, the vast majority of experiences and perspectives shared that they and their colleagues have a difficult time accessing the accommodation they are due under the Manitoba *Human Rights Code*. The concerns of employees are grouped into the following key themes:

- **Poor treatment by WSD staff and/or the person they report to:** A number of employees shared that they have experienced poor treatment by WSD staff or the person to whom they report they have requested accommodation or during the accommodation process. A number shared that their request for accommodation was not believed and they were talked down to and otherwise treated inappropriately by staff. Some shared that this experience has made them reluctant to request accommodation again, despite their needs. When asked about their experiences requesting and receiving accommodation, employees shared the following experiences and perceptions:

I felt very disrespected and that I'm just a number in the division and I am replaceable. Even though my evaluations are exemplary. I find it hard now to hear them say how everyone is important. I don't believe it's true. It's all smoke and mirrors to checkoff the boxes of equity and inclusion.

I felt judged and unsupported. I would rate WSD zero in this regard, specifically from management and HR.

Invisible disabilities are often viewed as fake and not taken seriously. When you miss time from work due to illness from the disability you are questioned. When you ask for help you are told things are done based on outdated policy. When you stand up for yourself you are written up as rude and not acting professional.

They do not treat people as humans. You have to beg, prove and prove even more why you need any accommodations. Then more questions and more information requested.

- **Poor treatment by colleagues and the person they report to:** A number of employees also shared that their colleagues or the person they report to have not been supportive of their need for accommodation.

I shared that I needed [accommodation] and understanding of [the way I work], and shared my disorder with previous administration. I then found that information was shared with other staff, who began attempting to challenge my diagnoses and stigmatize me personally and socially because I was "crazy" and "autistic" (inaccurate), and should see someone because I was now considered not normal.

I was being diagnosed for personal health issues and was very ill (still struggling) and was made to feel terrible by colleagues when I was unable to perform my work duties temporarily.

- **Lack of information and clarity about the accommodation process:** Survey respondents also shared that they felt the accommodation process is unclear and that the Division does not provide employees with the information needed for them to understand their right to accommodation as well as the process for accommodation. As a result, many were unsure about the need for information from their doctor and when and why an independent medical assessment would be needed. Employees described the process as confusing and difficult to navigate. Some described it as one that is so difficult to navigate that it worsened their condition and they would not request accommodation again, despite their need.

I have made several requests for accommodations due to my medical conditions. I have found the process to be extremely unpleasant. The amount of waiting, phone calls, meetings, confusion, the arguments with my Doctors about their letter writing skills....made me regret having made the requests.

I have mental health disabilities and I have no idea how to ask for accommodations. I've been assuming that I'll just need to leave teaching to be happy.

I will never report any injury again unless it is something that requires a 911 call.

- **The needed accommodations were denied:** A number of employees also shared their experience of having their accommodation denied. For some employees, the lack of the needed accommodation impacted their ability to continue to work and to do their best work. Some shared that in order to get the requested accommodation, they needed to get their union involved. Some also noted that their request was denied because it was seen as "special treatment"

and that other employees would request the same thing. Some employees reported requesting accommodation every year and waiting years to have their accommodation needs addressed.

Failure to accommodate, short of undue hardship, puts the Division at risk of a successful human rights complaint. In addition, the lack of accommodation undermines employees' ability to do their jobs fully and to the best of their ability.

I [was injured] and said I could not [do one part of my job] but was able to do all other aspects of my job. I was sent home without pay, until my union became involved.

They say take care of your mental health, yet when I required medical accommodations for such a reason, WSD found every way to find loopholes in my doctor's request. It is a disgusting experience. I am ashamed of where I work and the profession I do. When kids have accommodations, we meet them, not find ways to circumvent it... That begets the question of why admin would be opposed to implementing these same accommodations for employees?

- **Need for doctor's notes, which are then disregarded:** Several employees also shared their concern that the documentation requested by WSD is excessive, requires them to take time off work to attend an appointment with their doctor and, despite the amount of documentation requested and the cost to the employee, employees report that the information provided by their doctor is often disregarded.

The Ontario Human Rights Commission provides guidance to ensure that the medical information requested by the employer is not excessive. As the Commission states:⁴⁸

The employer must accept accommodation requests in good faith unless there are legitimate reasons for acting otherwise... Employers should limit requests for information to those reasonably related to the nature of limitation or restriction, to respond to accommodation requests... The amount of information needed will depend on the circumstances. For example, it may be appropriate to ask for more information on a first absence after a sudden unexpected departure, than in the case of an absence related to an existing and known disability where the employer has already received medical information... The employer should then accept the information provided and make the accommodation. If the doctor's note is not clear or detailed enough to allow for this, the employer is expected to make further reasonable inquiries... It is not normally advisable

⁴⁸ <https://www.ohrc.on.ca/en/iv-human-rights-issues-all-stages-employment/9-more-about-disability-related-accommodation>

for an employer to second-guess the validity of an employee's doctor's advice, only on a suspicion that it is not objective because it is based on the employee's own perceptions. Avoid challenging a medical note or requiring a second opinion unless there is evidence that the doctor's recommendations are based on something other than his or her best opinion as to what is needed to make sure the patient recovers.

The accommodation was temporary and inadequate despite frequent requests and doctor's notes. After three years of requesting accommodations, I was told that after this year I would need to purchase my own equipment. My disability and doctor's note were not taken seriously.

Medical experts (doctors) make recommendations as to what is needed and offer insight into what employees need to assist in being able to be safe and back at work. Respect their medical knowledge. Respect the individual staff and their individual needs to be able to transition and return to work.

- **Experience of, and fear of, reprisal:** Some employees also shared that they have experienced reprisal, or fear that they will experience reprisal, because they have requested accommodation. This reprisal includes being threatened, demoted, not being considered for promotion, and marginalized in the workplace. Some shared that because of the poor treatment that they experienced when they take time off to deal with a disability, they make every effort not to go on leave, which sometimes leads to the worsening of their physical and mental health.

When I requested accommodation, I was threatened that I would lose my job.

I was demoted when I asked for accommodations.

A request for accommodation would be the end of your career.

- **Denial or delay in accommodation worsens physical or mental health:** Some employees also shared that because of the denial or delay in receiving accommodation, they have experienced worsening physical or mental health, including for, some, suicidal thoughts.

Due to the harassment from my manager, I suffered mental health issues. I did ask for accommodations and was denied with no explanation.

- **Easier to go on leave:** Some employees also noted that because they were unable to receive accommodation that would allow them to continue to work, they have had to take a leave of absence.

It was made clear that any accommodation being requested was unreasonable and frowned upon (i.e., working from home for a short period of time while I was

unable to get into the office for medical reasons). I was not given permission to work from home for three to four weeks during a medical recovery period during the pandemic (no exceptions) despite my physician documenting that I was capable of working from home. I instead had to take a leave of absence from work (using paid illness time) and not working at all for four weeks.

Requesting accommodation became a hassle. It was just easier for me to use my sick time.

9.2.b Religious and spiritual accommodation

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

Human Resources Services reports that WSD has a calendar of diamond days which include holy days on which meetings should not be scheduled. In addition, they report that prayer space is provided for staff and students in many schools.

The Workplace Equity and Inclusion Survey asked employees whether they understand that employees may request religious accommodation and whether they think employees would hesitate to ask. Fifty percent of all employees who completed the survey reported that they understand that they can ask for religious accommodation.

A good deal of survey respondents reported positive experiences requesting and receiving religious accommodation.

The religious accommodation process was simple and approved.

I asked for a religious one day vacation and it was granted easily.

However, others shared that they are unable to access religious accommodation. These comments have been grouped into the following themes.

- ***Indigenous employees unable to receive accommodation:*** Some Indigenous employees shared that they experience resistance to smudging and are unable to get time off for spiritual and cultural practice.

In the focus groups and throughout the online survey, Indigenous employees shared a range of poor experiences when requesting accommodations, including a process not founded on good faith and a common feeling that managers and administrators actively look for reasons not to accommodate staff. Several Indigenous employees have been accused of doing other activities under the guise of taking time off for spiritual practices.

Indigenous employees also shared their fears of requesting accommodations because non-Indigenous peoples in positions of power already “think a certain way about us”, so taking time off would be viewed as further compounding existing negative views of Indigenous people. Many were also uncomfortable with the term “holy days” given the Christian church’s role in residential schools.

Indigenous employees also spoke to the need for sacred spaces within schools for both teachers and students to use and the need to be able to burn sacred medicines at schools.

I have reported discrimination when I was confronted about smudging. I was further harassed.

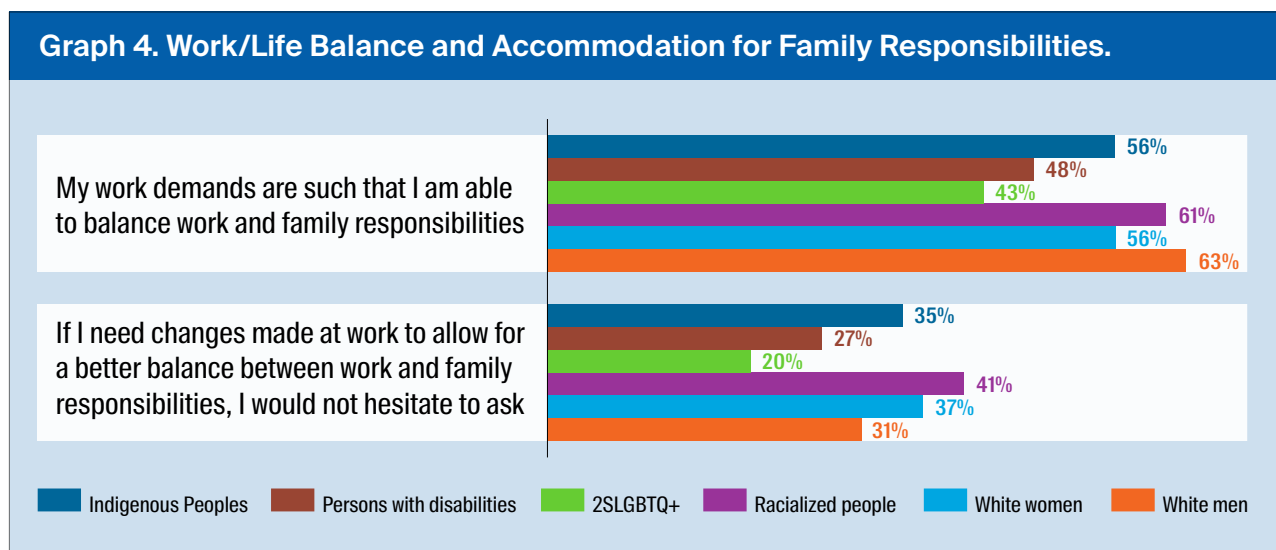
- **Time off for religious accommodation:** A few employees shared that they have difficulty obtaining time off for religious observance.

It is very hard to get one religious day off... I need to prove it to different people... yet Christians get all of Christmas off... double standard?

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

Women continue to have primary responsibilities for child and elder care in Canada. As a result, women continue to struggle to balance the demands of their careers with caring for their families. Workplaces that are not supportive of women with family responsibilities can limit the ability of female employees to contribute their best to their work and their ability to advance in the organization.

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



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

As the graph shows, less than two-thirds of each group agreed that they are able to balance work and family responsibilities. Persons with disabilities and 2SLGBTQ+ employees were the least likely to agree that their work demands are such that they are able to balance work and family responsibilities.

Fewer than half of survey respondents agreed that if they need changes made at work to better balance work and family responsibilities, they would not hesitate to ask. Again, persons with disabilities and 2SLGBTQ+ employees were the least like to report that they would ask for this accommodation.

Many employees shared that their ability to balance work and family responsibilities is largely dependent on their roles, with teachers and school leaders experiencing difficulties with work-life balance. They shared that the pandemic as well as an increased workload has made it increasingly difficult to find work-life balance, with the workload impacting their mental health.

Several employees shared their positive experiences of requesting and receiving accommodation for family care responsibilities, including the following:

My mother was in the hospital and I was given the support I needed to be with her.

I needed accommodation in an emergency family situation and it was granted without issue from my administrator.

I requested once to leave school early because I had a family emergency and I was granted the request.

My principal has been very supportive.

I had to take time off for family and health reasons and my Administration and supervising teacher were very supportive.

Yet, while some employees shared that they have had good experiences requesting and receiving accommodation, the vast majority of those who shared their accommodation experience shared that they have experienced challenges including the following:

- **Negative experiences requesting and receiving accommodation.** Despite these positive experiences, a number of employees also reported that they have had negative experiences requesting and receiving accommodation. A few also shared that they did not know that they were able to request accommodation for family care responsibilities.

There is no compassion when needed to care for your family, often faced with having to meet work demands and neglect family needs.

Dealing with WSD during this difficult time with my family was not easy. They made it very difficult and I felt unsupported and ignored.

- **Unable to receive time off for bereavement leave.** A number of employees shared that they have not been able to receive time off for bereavement leave. This was a particular challenge for employees who needed to travel overseas to attend a funeral and when the funeral was delayed due to pandemic restrictions.

I could not receive family emergency leave. As an immigrant, we had to [travel to attend the funeral]. But when we are not allowed to get a leave of absence to go back to my country and spend time with my family.

My grandmother had passed away on a Thursday. Her funeral wasn't till the next Friday. I called WSD to ask about bereavement period. The WSD person was so rude and uncaring. She essentially told me that I had already lost a day because bereavement period starts the day after the person passed away and that I should go home. I had to take my personal days in order to attend the funeral. The policy should allow me the option to take my three day bereavement period around the actual funeral so I don't lose that time.

- **Access to accommodation dependent on who one reports to:** Employees also shared that their experiences vary, depending on their manager or school administrator. As such, they felt that their experience of requesting and receiving accommodation was often dependent on their relationship with the principal rather than their needs and right to accommodation.

Findings and Recommendations

The experience of requesting and receiving accommodation shared by employees highlights a number of serious concerns that suggest that WSD needs to ensure that it is meeting its duty to accommodate, short of undue hardship, under the *Manitoba Human Rights Code*. This includes ensuring that there are an appropriate number of employees within Human Resources to handle accommodation requests.

While the experiences of employees are concerning, the attitude toward employees requesting accommodations is also of concern because they create barriers to receiving accommodation and penalize employees for requesting and receiving accommodation.

Recommendation 59: It is recommended that ongoing training be provided to Human Resources staff, managers, and principals to address ableist attitudes, to better understand their legal obligations under the *Manitoba Human Rights Code* to provide accommodation, and understand how the Division benefits from providing accommodation to enable employees to keep working and to do their best work.

This training should also help participants understand the range of physical and mental disabilities, both evident and non-evident, for which accommodation may be requested and the types of accommodation that may be provided, and the principles of accommodation. This training should also address their obligations to keep the employee's information confidential.

Recommendation 60: It is recommended that the Division provide appropriate training and ongoing education for all managers and school leaders about their duty to accommodate employees based on any Code-protected characteristic, particularly disability, religion, and family responsibilities

Recommendation 61: It is recommended that the Division review the workload and processes of Human Resource staff responsible for accommodation to ensure that they have the capacity to respond to accommodation requests in a timely manner.

Recommendation 62: It is recommended that the Division revise the processes and tools used in the accommodation process to ensure compliance with the *Human Rights Code* and that accommodation be provided according to the principles of accommodation.

Recommendation 63: It is recommended that the Division establish timelines for responding to accommodation requests and that processes be put in place to track accommodation requests, when they are responded to, the amount of information requested by doctors, the number of independent medical examinations conducted, the number of employees on short and long-term sick leave, when accommodation is provided, and the number and type of accommodations provided. A summary report should be prepared and presented to the Chief Superintendent on a quarterly basis.

Recommendation 64: It is recommended that employees be provided with information about their right to accommodation, the process for requesting accommodation, the principles of accommodation, the type of information that may be required, the timelines, and FAQs to ensure they have the information to fully understand the process. Emphasis should be placed on explaining the Division's legal obligations under the Manitoba *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 65: It is recommended that a central accommodation fund be developed so that schools and departments are not expected to pay for more costly accommodations on their own, which could impact whether the needed accommodations are provided.

Recommendation 66: It is recommended that the Accommodation Policy (proposed in Recommendation 21) and supporting procedures and guidance documents

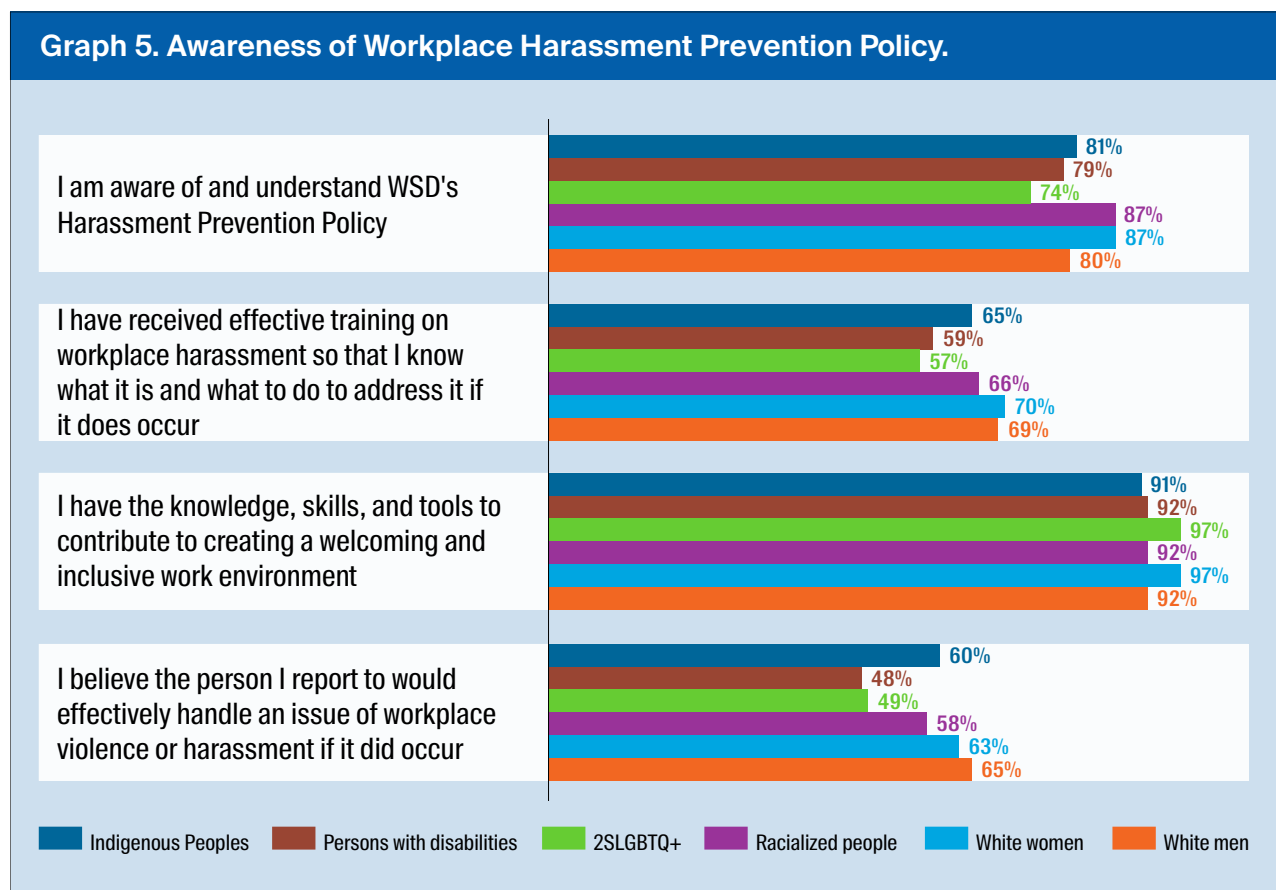
address the need for equipment purchases by the school or department to move with the employee should they move to another school or department. This policy should also specify how long-term or permanent disabilities are handled, so that employees are not required to reapply for accommodations on an annual basis or when they have a new manager. The policy should specify which accommodations will be paid for through a central fund and the process for accessing this fund.

Recommendation 67: It is recommended that the Division negotiate Memorandums of Understanding with each union, federation, and association to support all parties to meet their obligations to accommodate employees across bargaining units.

Recommendation 68: It is recommended that WSD develop operating procedures for accommodating religious, Indigenous, and spiritual observances that provides clear procedures on how to access accommodation, including Indigenous cultural and spiritual observances. These procedures should be consistent with the requirements of the *Manitoba Human Rights Code* and the principles of accommodation.

9.3 Respectful work environment

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

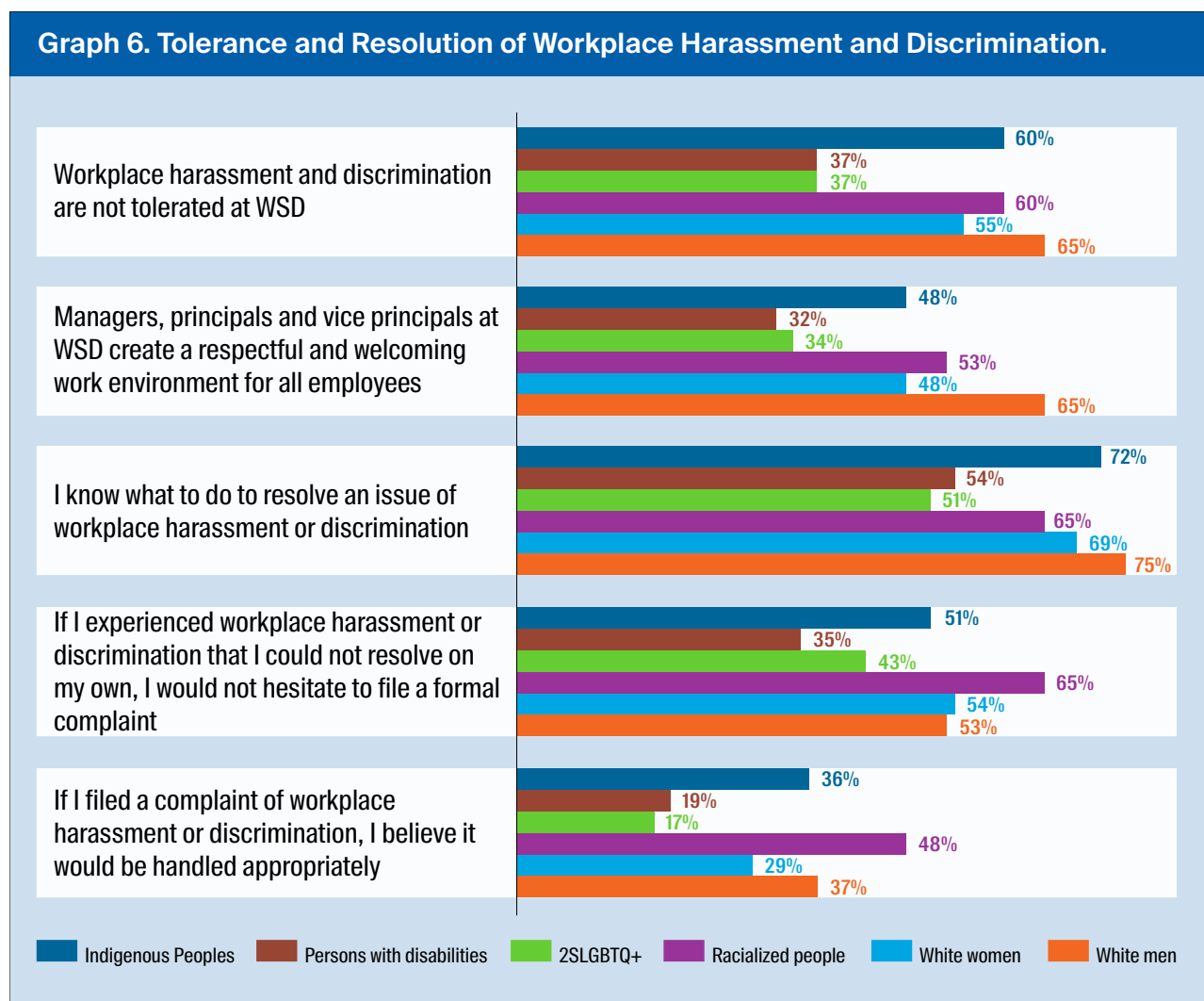


As Graph 5 shows, employees' responses to the survey indicate that WSD has done a good job of educating employees about its harassment, discrimination, and workplace violence prevention policies. The vast majority of survey respondents report that they are aware of and understand WSD's Harassment Prevention Policy and that they have the knowledge, skills, and tools to contribute to creating a welcoming and inclusive work environment.

However, far fewer of each group report that they have received effective training on workplace harassment and that the person they report to would effectively handle an issue of workplace violence or harassment if it did occur.

The survey also asked employees about whether workplace harassment and discrimination are tolerated at the Division. Employees with disabilities and 2SLGBTQ+ employees were the least positive about workplace harassment and discrimination at WSD.

As Graph 6 shows, White men, racialized people, and Indigenous peoples are more likely to report that workplace harassment and discrimination are not tolerated at



WSD, at 65%, 60%, and 60% respectively. Only 37% of persons with disabilities and 2SLGBTQ+ employees report that workplace harassment and discrimination are not tolerated at WSD.

While 65% of White men reported that managers and school administrators create a respectful and welcoming work environment for all employees, only about half of the Indigenous people, racialized people, and White women believed that to be the case. Only one-third of persons with disabilities and 2SLGBTQ+ employees agreed with that statement.

While 65% to 75% of Indigenous people, racialized people, White women, and White men and only about half of the persons with disabilities and 2SLGBTQ+ employees agreed that they know what to do to resolve an issue of workplace harassment or discrimination.

While 65% of racialized employees agreed that if they experienced harassment or discrimination that they could not resolve on their own, they would not hesitate to file a formal complaint. By contrast, only about half of the Indigenous people, White women, and White men who completed the survey agreed that they would file a formal complaint. Close to one-third of persons with disabilities (35%) and 2SLGBTQ+ employees (43%) reported that they would not hesitate to file a formal complaint. Fewer than one-quarter of persons with disabilities and 2SLGBTQ+ employees believe that if they did file a complaint of harassment or discrimination that it would be handled appropriately. While fewer than 50% of all survey respondents agreed with this statement, racialized employees were the most positive that their complaint would be handled appropriately.

The survey asked employees about the mechanisms for resolving issues of harassment and discrimination. As Graph 7 shows, persons with disabilities were the least likely to agree that the person they report to would effectively handle an issue of workplace violence or discrimination if it did occur (52%), while close to 70% of the other groups agreed. The majority of respondents agreed that they know what to do to resolve an issue of workplace harassment or discrimination, with fewer agreeing that they would make a complaint if they could not resolve the issue on their own. Close to 50% or less agreed that if they made a complaint, they believe it would be handled appropriately, with only 21% of persons with disabilities agreeing.

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

- **Reported harassment, but no action taken:** Throughout both the focus groups and the online survey, employees shared that they have reported their experiences of harassment and that these reports have been ignored and gone unaddressed. Some shared that they have not reported their experiences of harassment or discrimination because they don't have confidence that their complaint would be addressed.

No one should have to experience harassment for months, only to file a formal complaint and be questioned in a condescending way as if the experiences were invalid. I requested a second meeting in which I came prepared by quoting policy, and finally stated bluntly that if action wasn't taken I would not feel safe to do my job. It should never have gotten to this point.

I tried to follow protocol and was threatened to stop the investigation on multiple occasions. I had these accusations recorded with proof and submitted it to the proper protocols which were dismissed or told that it would take years and isn't worth going after a principal since they have too much power.

- **Parents and students as the source of harassment:** Employees also shared that parents and students are a frequent source of harassment. They shared that these issues are not addressed and instead they are expected to tolerate these behaviours from parents and students.

I'm expected to tolerate a certain amount of verbal abuse/harassment from students.

Most of the harassment directed towards adults comes from students. I witness students being disrespectful towards other students and teachers quite often.

When it comes to WSD staff it is handled well, but when the issue involves a parent, it is not dealt with as well or efficiently (feel less supported).

- **Harassment and bullying by supervisor:** A number also reported experiencing harassment and bullying behaviours from the person to whom they report. They described the behaviours as bullying and personal harassment. They also felt that when the person engaged in the inappropriate behaviours is in a senior role, they are more reluctant to raise their concerns. Some also shared a lack of confidence that inappropriate behaviours by those in senior positions are less likely to be addressed.

Staff in "higher" positions, or positions of power are rarely disciplined in instances of harassment. Usually if a "lower" level staff member complains, it either seems to be brushed off, or the harassed party is moved to another location.

When I reported harassment to my superior, they listened but no action occurred. I went on medical leave and then left my role which was my "dream job".

The Principal continuously bullied and made employees paranoid to the point of tears and mental health stress. Nothing ever happened. We had a turn over of staff near 30 who were either moved because the principal didn't like them, or transferred out because the principal was plain nasty.

A particular Principal at one of the schools I work at is a tyrant and intimidating. He has no problem yelling at people, swearing at people, putting them down, calling them out. Yet he continues to be able to do what he does!?

I have had administrators who are bullies and nothing is done.

There are always bullies in the work place and they aren't always dealt with as it can be tricky for admin.

- **Experience of, and fear of, reprisal:** Some shared that they would not make a complaint out of fear of reprisal and the impact on their jobs. Concern was also raised that union representatives have dissuaded employees from making a complaint because of concerns about reprisal.

Because of the fear of losing my job, I had to agree to drop the case.

I was too afraid to tell anyone, as I was afraid of what my former Principal would do or say to me.

If someone in power treats you this way, there is not much you can do. I have called the union on some incidents that I have personally experienced and they always warn me that at the end of the day, they control my career and it may not be good for me to file a complaint.

- **Difficult complaint process:** Some employees shared that they have made a complaint in the past and found the complaint process to be difficult or poorly handled.
- **Negative impact on employee:** Some employees also shared that the harassment and discrimination they experienced had a negative impact on their, and their colleagues', mental health, productivity, and careers.

I am crying while writing this. I asked for accommodations because I have PTSD after what happened to me at school. My life has completely changed. I am now considered to have a disability as it affects my day to day so much.

I have had a few instances where I felt harassed to the point where it hindered my work output.

- **Failure to create an inclusive working environment impacts the learning environment:** Some employees also shared that the negative attitudes of staff

impact the learning environment that is created for students. They suggested that if they aren't safe as adults at WSD, neither can students be safe. Some felt that the negative attitudes and behaviours of employees, reinforce negative attitudes and behaviours among students.

It is daily. Sexism and racism are rampant and is the obvious reasons as to why students develop racist, sexist and bullying behaviours. There is very little respect for the majority of religions and cultures.

It is very clear that WSD does not have the tools and resources to support trans staff or students. The policy is not even followed to ensure the safety of staff.

Several employees shared that they experience harassment and discrimination based on sex, gender identity, sexual orientation, race, Indigenous identity, and disability. These concerns are addressed at the end of this section.

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



The majority of the 69 survey respondents who indicated that they have people leadership responsibilities reported that they have the knowledge, tools, and resources to effectively deal with workplace harassment and discrimination (78%), create a welcoming and inclusive workplace (91%), and creating an inclusive and equitable workplace (88%). The majority also shared that the person they report to supports them to create a welcoming and inclusive workplace (80%).

These survey respondents were asked to share any additional comments about the supports and resources they need to create a respectful and inclusive workplace.

A number reported they have the supports they need. However, there were some who shared that they don't feel fully supported to address issues of workplace harassment and discrimination.

We are encouraged to create respectful workspaces, and then are left on our own to do so, and reprimanded for a misstep.

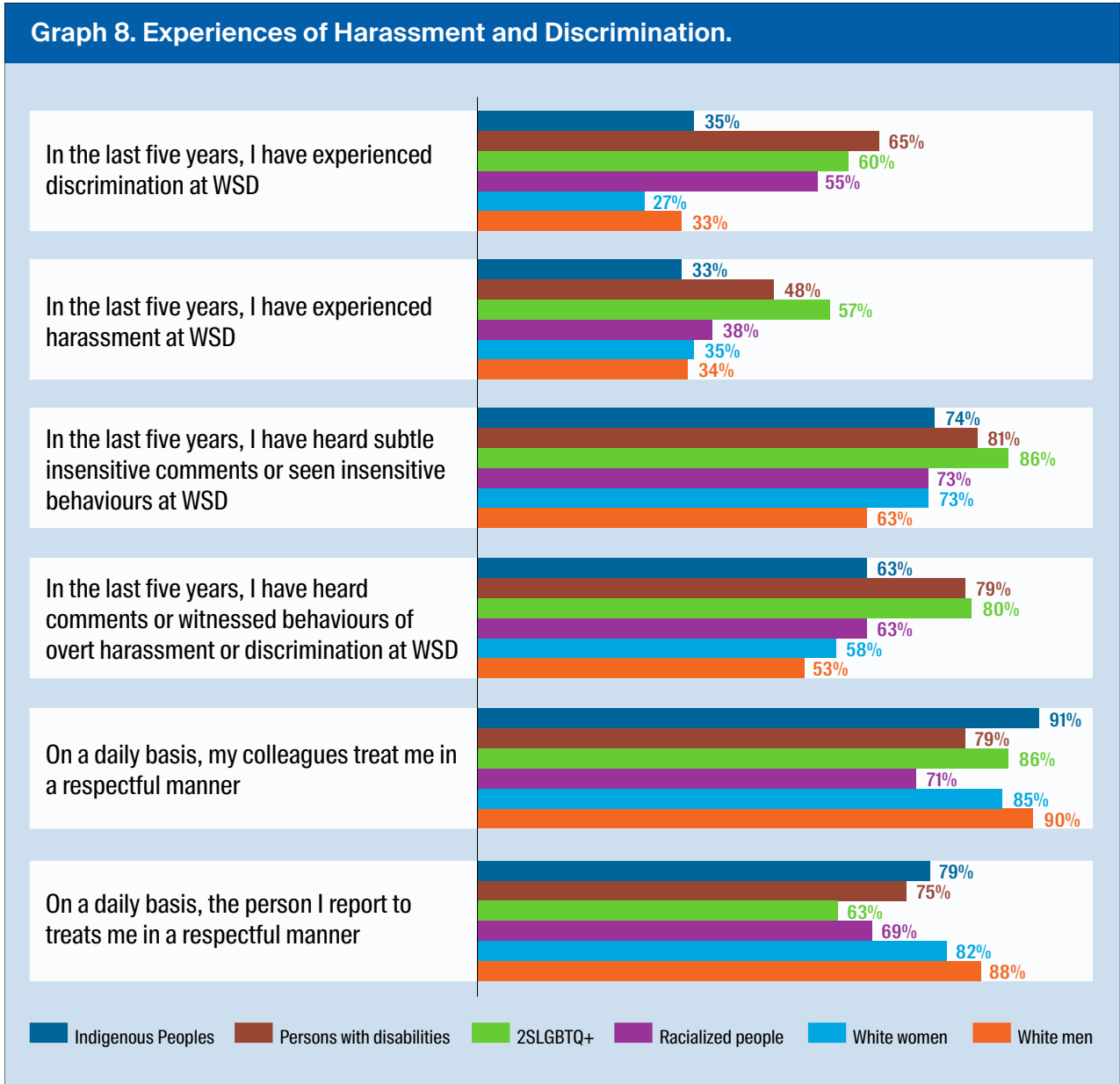
I feel supported about 50% of the time, but am cautious of what issues I bring to my principal and vice principal, as they are often overlooked or brushed off.

There were also those who shared that additional training would be welcomed and that the learning that they have had access to has been on their own time and outside of that provided by the Division. A number commented on the difficulty with respect to culture and welcome additional training on how to handle these issues.

Training in how different cultures are treated.

All skills, knowledge, tools and resources have been gathered from outside agencies. There are few opportunities for admins to gain this within the school/ division.

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



As Graph 8 shows, a significant proportion of employees reported experiencing harassment or discrimination in the last 5 years: 35% of Indigenous people, 55% of racialized people, 65% of persons with disabilities, and 60% of 2SLGBTQ+ reported that they have experienced discrimination at the WSD in the last 5 years. By contrast, 27% of White women and 33% of White men report experiencing discrimination.

In addition, over one-third of each group reported having experienced harassment in the past five years, with 48% of persons with disabilities and 57% of 2SLGBTQ+ employees reporting this experience.

The majority of each group report that they have heard subtle insensitive comments or seen insensitive behaviours at WSD in the last five years. The majority of Indigenous

people, racialized people, persons with disabilities, and 2SLGBTQ+ report that they have heard comments or witnessed behaviours of overt harassment or discrimination at WSD in the past five years. Small proportions, but still the majority, of White women (58%) and White men (53%) report the same.

Despite these reports of harassment and discrimination, the vast majority of each group report that on a daily basis, their colleagues and the person they report to treat them in a respectful manner.

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

Indigenous Employees

- **Barriers to hiring:** Indigenous employees shared that in their experience the workforce is not reflective of the community served with a greater gap in representation in more senior roles. They note that this lack of diversity exists within a city with a high percentage of Indigenous people, with some schools having more than 50% of students who are Indigenous, and in some cases not having any Indigenous teachers in those schools. They also felt that there is a particular need for Indigenous male educators.

Indigenous employees mentioned that there were programs in place that supported the development of Indigenous teachers, including a program that supports Indigenous high school students to become teachers, and one that supports educational assistants to become teachers. While they welcomed these programs, they felt that much more needs to be done to close the gap in representation.

Indigenous employees also shared barriers to bringing in elders as teachers, including as language teachers. This is because of the requirement for a Bachelor of Education degree and a police records check.

Some Indigenous employees also shared the difficulty in getting a permanent position. While they have been on the supply list for many years, they shared that they have interviewed for positions many times but have not secured a permanent position. Some shared that they have colleagues who have secured permanent positions with other school divisions after many years of being unsuccessful with WSD.

- **Colonial hiring process:** Indigenous employees described a colonial hiring process that did not account for Indigenous skills and gifts in job postings,

interview questions, or interview metrics. Some felt that the interview process was often intimidating because of their structure and because they were held in colonial spaces without opportunities to smudge or provide a traditional opening. They also shared that the requirement for candidates to “sell themselves” is not congruent with Indigenous culture and worldviews.

- ***Barriers to advancement:*** Many Indigenous employees shared the sentiment that advancement at WSD is more about who you know and not what you know. They felt that because most administrators are White and male, they often don't make efforts to get to know Indigenous employees and don't provide the opportunities and mentoring that others receive in order to advance at WSD. Indigenous employees suggested the creation of a program that identifies Indigenous teachers and supports them to develop into administrators.
- ***Credentials and competence questioned:*** Some Indigenous employees also shared that they are not seen as capable and competent WSD employees by their non-Indigenous colleagues. They shared experiences of their credentials and competence being questioned.
- ***Unsafe and unwelcoming work environment/interpersonal racism:*** Many described experiences of harassment and discrimination that they shared as ongoing and relatively frequent, both in subtle ways, such as microaggressions and overt racism. Some also shared that their colleagues share ongoing resistance to Indigenous ideas and that employees believe that Indigenous peoples are broken and need to be fixed. Some reported feeling like they are micromanaged in a way that their non-Indigenous colleagues are not. In addition, some shared their experience of lighter-skinned indigenous staff are not viewed as knowledge holders.

Indigenous employees shared their recognition that WSD is at the early stages of a learning journey, but noted that they continue to experience anti-Indigenous racism and that much more needs to be done to create safer workplaces for Indigenous employees. They shared their experiences of employees with colonial mindsets, a resistance to principles of decolonization, and a “chronic lack of understanding around Indigenous issues, including the legacy of abuse, intergenerational trauma, and there exists a sense of ‘why can't you just get over it’.”

Indigenous employees spoke of a workplace that is more welcoming and inclusive than it used to be as people become more aware of Indigenous issues. However, they feel that in order to “belong” at WSD, they need to conform to the dominant culture. Indigenous employees reported a significant variance in treatment from school to school which was largely dictated by who

the school administrators were. Employees remarked that each administrator had their own ideas of how Indigenized a school could be. Many spoke about being treated cordially by receiving pleasantries, but that any ideas that involved making change were rarely listened to.

Indigenous employees also shared their experiences of interpersonal racism, including being told that they don't look Indigenous, told not to drink at work, being excluded from staff social gatherings, and being on the receiving end of Indigenous stereotypes around work styles.

We need to be like them to have a voice. We need to dress like them and talk like them.

I am subject to subtle discrimination based on being Indigenous, people want all the knowledge from an Indigenous person but lack reciprocity or ownership of learning. This is to an extent where it is borderline exploiting my own knowledge and life experiences to "educate" others while over extending myself because I am committed to servicing WSD as well as Indigenous and non-Indigenous students.

Anti-Indigenous racism is very alive within the hallways of schools at WSD. Indigenous peoples have no way of recourse with the division when something occurs but every Indigenous person can tell you a story of racism that occurred within a school year never mind within five years.

- **Tokenized:** Indigenous employees also shared their concern that they are tokenized in the workplace. That they were hired to give the appearance of change, without making the significant change within WSD.

Some also felt that Indigenous staff are seen to be experts in all aspects of Indigenous culture, even though this is not possible. While non-Indigenous employees are not required to gain the knowledge and gain the skills needed to effectively support the success of Indigenous students. Employees also spoke of not feeling trusted by administrators, that their commitment to change is performative, and when given a mandate to effect change, it was of the palatable variety and not transformative in nature. One person recalled a story where they were introduced as an Indigenous support staff "who is here to support Indigenous students, but all lives matter."

- **Complaints:** Almost all the Indigenous peoples who participated in interviews and focus groups voiced a lack of belief in the efficacy of the complaint process, citing issues like a lack of transparency, a lack of follow up or resolution, and a lack of restorative processes. One remarked they would only make a complaint if they won the lottery and knew they could survive if they

were fired. Others described their perception that making a complaint would only serve to worsen their relationships with colleagues. Others noted whether they made a complaint depended who the complaint was about. Others shared a concern that the complaints process demands that employees submit the complaint to the person to whom they report, even if that person is the subject of the complaint.

- **Indigenous women's experiences:** An intersectional analysis revealed a stark difference in how welcome and safe Indigenous women were made to feel versus men, who reported being treated far better than Indigenous women.
- **Lack of accommodation for spiritual and cultural practices:** Indigenous employees also shared that their requests for time off for religious observance are routinely denied and that their spiritual and cultural practices are not respected by the Division.

Racialized employees

- **Lack of diversity and resulting isolation:** Racialized employees also shared that they are often one of only a few racialized people in the department or school and experience isolation. They also shared that the composition of the teachers in schools often do not reflect the diversity of the students in the school and WSD should do more to diversify the workforce.
- **Barriers to hiring:** Racialized employees, particularly newcomers, shared that they experience a great deal of difficulty getting hired by WSD and that racialized supply teachers remain on the supply list for many years, while recent teacher graduates who are White are able to get permanent jobs. They also shared that the barriers to getting a permanent position means that many racialized employees do not remain with WSD and seek employment elsewhere.

Some also shared their perspective that newcomer racialized people face barriers to being hired as teachers and are more likely to be in positions as educational assistants and custodial staff. They shared that one's accent and English-language ability sometime pose a barrier to hiring, particularly into teaching positions.

My colleagues with a Masters in Education from Canadian schools are begging for jobs but cannot get permanent after seven years.

Whites are hired immediately. Black people are not.

[A friend] and I both graduated from education together and he's Caucasian. He got hired before me by a principal, who said, "I see you. I see myself in you" to him.

I thought, no one sees me, or sees me in in them. So, it's hard to know because no one volunteers the reason why they chose one candidate over the other.

- **Questioning of credentials and qualifications:** Racialized employees also shared that they are not viewed by their White colleagues as competent and capable WSD employees. Some shared that their colleagues have openly shared their perception that racialized employees are “diversity hires” or that they are hired to fill “quotas.”
- **Interpersonal racism:** Racialized employees shared their various experiences of interpersonal racism, with inappropriate behaviours including microaggressions, barriers to hiring and advancement, discrimination based on accent, and the use of the N-word. Some shared that they don’t receive the support that their White colleagues do and some are told that they are unqualified for the position and that they only received their job because of “quotas.”

There are a lot of teachers who make comments under their breath when it comes to culture and colour. When are these people going to be dealt with?

Staff in this division are not tolerant of different cultures. It is clear on a daily basis.

When you walk into a staff room as a person of colour, you see how they look at you and their body language. You are not welcomed at all, no matter what I have seen. I say, “Hi!” No response. When a privileged person walks in, they invite, “Oh, hello! How are you?”

- **Incidents of racism not appropriately addressed:** Racialized employees also shared that when school leaders know about issues of racism, including physical assaults, these inappropriate behaviours are not appropriately addressed.

Leadership needs to be trained on how they deal with issues concerning diversity, equity and inclusion in WSD. As a minority, I have trauma when a director told me that the man who said the N-word to me is not a bad person because intention matters. There was no follow-up, during the mediation meeting, I did not feel safe or supported.

- **Worsening mental and physical health:** Racialized employees also shared the impact of the racism that they experience at WSD, sharing that it has led to the worsening of their mental and physical health.
- **Lack of support:** Once racialized newcomer employees are hired, some experience a lack of support to be successful in their roles. Some shared that

because of this lack of support, some leave their roles and seek employment with other school divisions.

- **Muslim women targeted:** Employees also shared that hijab-wearing Muslim women in particular are targets of racist comments. They also shared that Muslim women face barriers to being hired, particularly into permanent positions.

Subtle comments about Muslims, Indigenous peoples and POC can be heard during conversations as well as in staffrooms.

Persons with disabilities

For persons with disabilities, much of the discussion about their experiences at WSD centred around access to accommodation, ableist attitudes, and the poor treatment they experience when it becomes known that they have a disability. In addition to the concerns summarized in earlier sections of this report, these specific concerns were raised.

- **Failure to accommodate:** In addition to experiences shared earlier in this section, persons with disabilities shared difficulty receiving accommodation. Employees shared that it was particularly difficult to receive accommodation for mental health disability or non-evident physical disabilities because they don't appear to have a disability.

They could be more accommodating of disabilities, examples I have seen are people with allergies being in a building where the leaders bring in [items which employees are allergic to], not acknowledging or taking punitive measures for invisible disabilities such as diagnosed sleep disorders.

Mental illness and disorders are not tolerated amongst adults as they would be with youth. Much the same social dynamics of in group and out grouping continually occurs.

- **Fear of requesting accommodation:** Employees in need of accommodation for disabilities shared that they have not requested accommodation out of fear that it would negatively impact their career. They felt that needing accommodation is viewed negatively at WSD and that requesting accommodation is perceived to be a weakness. The lack of accommodation not only undermines their ability to meet the demands of their current jobs, it contributes the worsening mental and physical health.
- **Ableist attitudes:** Employees shared that they have heard ableist language from coworkers. They shared that there is also an ableist mentality at the Division, with employees having little regard for those who take different

approaches to work or who require more time to have work completed. While people shared that the person they report to may not provide accommodation, they also shared that the attitudes of their colleagues also create a barrier to requesting and receiving accommodation.

My workplace has supported my disability. However, the people I deal with, teachers and others show less empathy. I feel there needs to be more education for empathy in the Division in how to deal with people who have disability NOT JUST in those who directly work with them. I find most people would rather deal with my coworkers instead of myself, though its my job, because they DON'T WANT/DON'T KNOW HOW to deal with my disability. I find that frustrating and embarrassing

- **Lack of accessibility:** The difficulty accessing WSD buildings was also raised as a concern by some employees.

We could also upgrade buildings so the built environment is welcoming to all abilities. My school has one accessible door, which is locked most of the day. The choir room is inaccessible. This sends a message to students and staff that their participation in this space is not needed or even welcome.

There's an overall lack of accessible parking, accessible entry doors in proximity to parking and access to accessible bathrooms.

2SLGBTQ+ employees

- **Unsafe to be out:** Employees shared that in many schools it is unsafe to be open about their sexual or gender identity. Some shared that the hostility they have received was from their colleagues, while others shared that the issues were primarily with parents.
- **Homophobic and transphobic attitudes:** Employees shared the homophobic and transphobic attitudes of colleagues, which are not appropriately addressed by their principal or manager. They also shared examples of nonbinary staff and students continually referred to using the wrong pronouns. They also shared that these negative attitudes create unwelcoming and unsafe working and learning environments for both themselves and students.

As someone who is 2SLGBTQIA+, working with administrators who are absolutely clueless on policy and practices of the Division was extremely harmful to myself and students. It was extremely gut wrenching to see the harm they inflicted on students through their lack of understanding and awareness.

A former principal once told a colleague who identifies as a member of the LGBTQ+ community that their "lifestyle is wrong."

Women

Women in the focus groups and throughout the survey shared their experiences of gender-based discrimination and sexual harassment. They expressed concern that these issues are not addressed and therefore are permitted to become entrenched within the organizational culture. They shared that this is largely due to the prevalence of men in leadership positions throughout the Division and the “old boys’ network” that supports the success and advancement of men over their female counterparts, and overlooks issues of sexual harassment.

- **Sexual harassment:** A number of women shared their concern about sexual harassment, including not only sexual advancements but also gender-based harassment. Some described repeated experiences of sexual harassment which have become part of the work culture in some schools.

We used to have a really bad problem with harassment towards female teachers. A lot of catcalling, talking about female body parts. The women wouldn't want to go into the staff room because of the way that male staff members would talk about female staff members, or about their wives or girlfriends. I stopped going into the staff room because of that so I have not heard anything for the last several years. Several of my female colleagues were exposed to a lot of that kind of behaviour a few years ago. We had a female principal for a while, and she put a pretty big stomp down on that. She made it very clear that it was not acceptable behaviour in the building.

I have heard many sexually inappropriate things said by teachers.

I have been made to feel uncomfortable by male staff before... It is also frustrating when you find out a person has simply moved locations rather than faced any repercussions, because all that does is continue the cycle.

Some staff openly make sexual comments and nothing is done to address that or stop it. Has been happening for years and admin are fully aware. Leads to an awkward workplace environment.

Women are frequently disrespected by being demeaned based on their appearances, from students, colleagues and parents. Parents are much more likely to complain to administration about female teachers, or send rude and abusive emails to female staff. Male teachers are less likely to listen to their female department heads and principals. Students follow their leads and do not feel they need to show their female teachers the same respect. Some of this is cultural. Many women face inappropriate behaviors in the school staff rooms. There is little understanding or appreciation for the demands put on women in society relating to family that are not equally demanded of men.

- **Lack of accommodation for family care responsibilities:** Some women shared that they have limited access to accommodation for family care responsibilities. When family members are sick, some shared that they experience little compassion.

Some employees shared the challenges of balancing their work requirements and family care responsibilities. They felt that a healthy work/life balance has not been well supported by the Division and that they don't always get flexibility from the person they report to.

- **Sex discrimination:** Women also shared that they experience discrimination because they were pregnant, had young children, or the perception that they may become pregnant. They shared that this impacts their opportunities to develop their knowledge and skills as well as their opportunities to advance within the organization. A number also described WSD as an "old boys club" in which men support other men to advance over women who are equally or more qualified.

Recommendation 69: It is recommended that WSD explore the removal of barriers to the hiring of elders/knowledge keepers to improve access to language teachers for Indigenous students. This may include replacing the requirement of a bachelor's degree with a community-led vetting process, for example.

Recommendation 70: 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 managers develop the competence and confidence to identify and address inappropriate behaviours when they do occur. This training should also remind people leaders of their legal obligations to foster a respectful work environment, to lead by example, and to act to stop harassment and discrimination when they witness or hear about these behaviours.

Recommendation 71: It is recommended that all employees receive training on racism and other forms of oppression, the WSD's legal obligations to create harassment- and discrimination-free workplaces, and managers' obligations to act when they know about or ought to be aware of racism in the workplace.

Recommendation 72: It is recommended that the Division ensure appropriate resources to investigate and address complaints of inappropriate behaviours under the *Manitoba Human Rights Code*.

Recommendation 73: It is recommended that the Division establish and provide ongoing support to affinity groups/employee resource groups to create safe and

inclusive spaces for Indigenous employees and those from the equity-seeking groups for networking and support. Furthermore, the Division should use the affinity groups as a valuable resource to continue its work to identify and remove barriers to employment equity, diversity, and inclusion.

Recommendation 74: It is recommended that the Division 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.

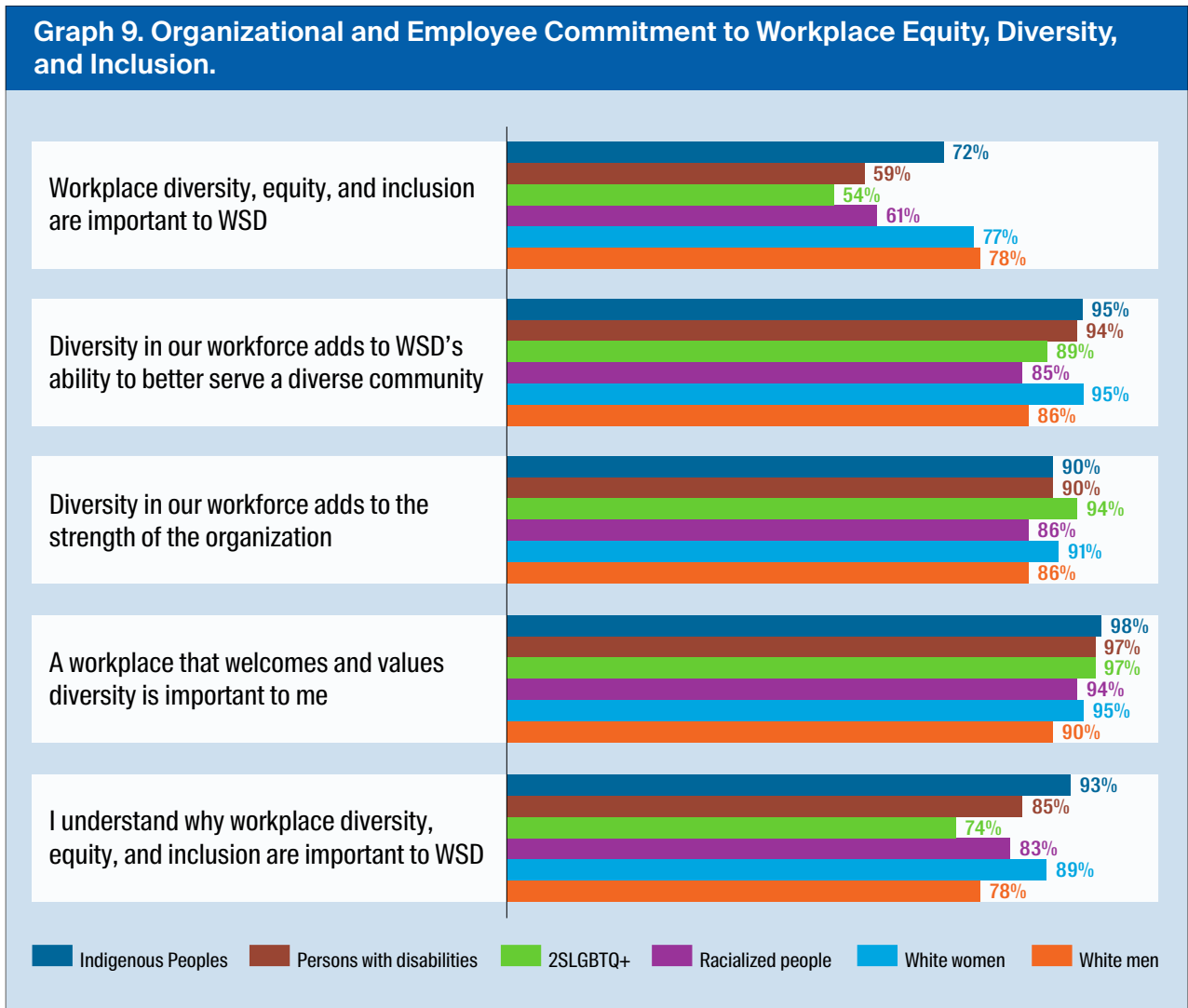
9.4 Attitudes and corporate culture

Individual attitudes and corporate culture have an impact on the job performance, 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 *Manitoba Human Rights Code*, they can nonetheless have a significant impact on the work environment. For example, negative attitudes toward equity and diversity, even when expressed out of ignorance, can affect the work environment and whether Indigenous employees and employees from the equity-seeking groups feel welcomed and included in the workplace.

Understanding individual attitudes and the corporate culture also helps to assess an organization's readiness for change and identifies the strategies that will be needed to effect and sustain change. Many employment equity efforts have been derailed because they fail to consider the organization's readiness for change, undertake too rapid a pace of change, and undertake initiatives without first ensuring the needed understanding and buy-in from leaders and employees. Implementing employment equity programs without creating this foundation of understanding can create fear and resentment and lead to backlash.

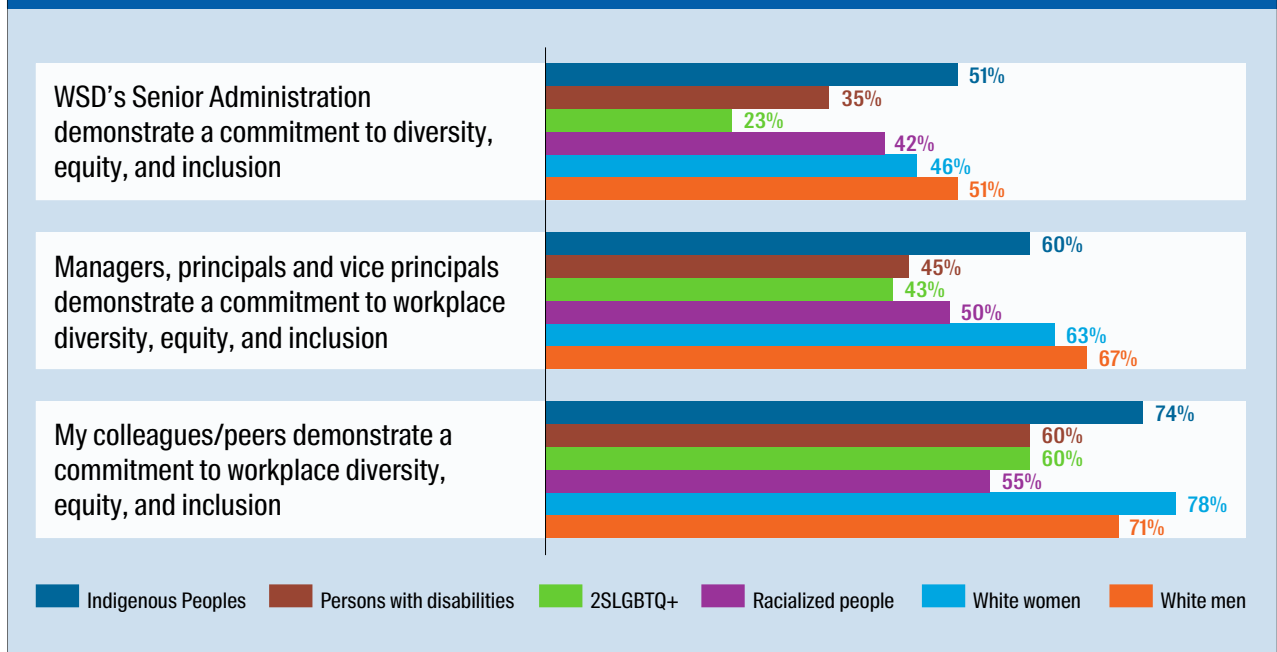
The Workplace Equity and Inclusion Survey asked respondents about their own commitment as well as their perception of the Division's commitment to employment equity, diversity, and inclusion. As Graph 9 shows, while the majority of each group agreed that equity, diversity, and inclusion are important to WSD, only 59% of persons with disabilities and 54% of 2SLGBTQ+ employees agreed with this statement.

Larger proportions of each group agreed that diversity in the workforce adds to WSD's ability to better serve a diverse community and adds to the strength of the organization. The vast majority of each group also agreed that a workplace that welcomes and values diversity is important to them. Smaller proportions of each group report that they understand why employment equity, diversity, and inclusion are important to WSD.



As Graph 10 shows, survey respondents were also asked whether they believed that the behaviours of Senior Administrators, managers, principals and vice principals, and colleagues and peers demonstrate a commitment to equity, diversity, and inclusion.

Graph 10. Demonstrated Commitment to Workplace Equity, Diversity, and Inclusion.



Again, persons with disabilities and 2SLGBTQ+ were the least positive that senior leaders, managers, principals and vice principals behave in ways that demonstrate a commitment to workplace equity, diversity, and inclusion. All groups were the least positive that the behaviours of senior leaders demonstrate a commitment to workplace equity, diversity and inclusion. In addition, survey respondents were the most positive that their colleagues and peers demonstrate a commitment to workplace equity, diversity, and inclusion.

Throughout the focus groups and online survey, WSD employees were also asked about the organizational culture and work environment, and about their organization's commitment to employment equity, diversity, and inclusion.

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

Positives

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

- Ability to work with and support students and families

- Ability to work with and support a diverse student population
- Those who went to school in WSD appreciated the ability to give back to their school community
- The sense of community and relationships they've formed with coworkers
- Ability to work in different school locations
- Pay, benefits, hours of work, and work schedule.

Challenges

In addition, the following challenges were identified by focus group participants:

- Different procedures and work environment at each school
- Large and complex organization
- Communication challenges in such a large organization
- COVID-19 pandemic has also added to the challenges of working at WSD.

Organizational culture

The organizational culture was frequently identified as a key barrier to the organization's ability to implement employment equity, diversity, and inclusion initiatives. Employees described a culture that is resistant to diversity and is unwelcoming of Indigenous and racialized employees. When asked what more WSD could do to create a more inclusive and welcoming work environment, the common themes which emerged included:

- **WSD is doing well:** Some shared that they don't experience any challenges due to the organizational culture, and believe that WSD is an inclusive and welcoming work environment.

I believe that WSD has created a diverse, inclusive and equitable environment for a long while throughout the years. It evolves slowly as we know more and have newcomers from other parts of the world that have different ways. It changes naturally without force.

- **Address racism:** A number of employees shared their experiences of racism and the perception that much more needs to be done to create anti-racist workplaces at WSD and support Indigenous and racialized employees to be successful in their role.

We need a strict policy against racist managers and staff. Provide help and support to victim of racism and try their best to stop supporting racism and

harassment against minorities or designated groups. Create safe workplaces for minorities and equal chance to get promotions.

Respect and treat fairly all employee and stop racism and stop discrimination.

Racialized employees have been put in impossible situations and not given the supports to succeed or placed into buildings and left to flounder and then blamed when they struggle. Offering mentorship, further professional development, helping non-racialized staff understand their privilege and its impact.

- **Support the mental health of employees:** Employees shared that their experiences during the COVID-19 have been, and continue to be, challenging. Some also noted that the experiences of racism of Indigenous and racialized employees have worsened their mental and physical health. A few employees shared that, mainly due to their working environment, they have contemplated or attempted suicide.

Promote mental health awareness especially for those who are not Caucasian... offer compassion to employees regardless of their situation. Leaders in buildings could smile when Division employees come in.

- **Increase the diversity of employees:** While the Division has placed a focus on increasing diversity, there continues to be a gap in representation, with many employees commenting that there needs to be an increase in the number of Indigenous employees and members of the equity-seeking groups throughout the organization. While the focus on support for Indigenous students to become educators is supported, many employees shared that more needs to be done to increase the representation of the other equity-seeking groups at all levels of the organization.

We definitely need more visible differences within the teaching (and all) staff.

- **Move beyond performative EDI:** Many employees recognized the effort that WSD has made to become more equitable, welcoming, and inclusive. However, a number commented that these efforts were primarily performative and WSD needs to do more to embed equity throughout all HR policies and practices and change the culture of the organization that perpetuates the underrepresentation of the designated groups and fosters unwelcoming workplaces. They also suggested that these efforts must extend beyond educators to include all staff.

Engage all staff (custodial staff, bus drivers, clerks, clinicians, managers, principals, teachers, hr staff, superintendents, i.e., everyone) in Anti-Oppression Training and Bystander training. This will empower staff with tools and language

for dealing with difficult situations (e.g., racism) in the workplace. This would not only benefit WSD employees, but students and families as well.

- **Better equip leaders:** Several people also identified that leaders also need to increase their competence, confidence, and courage regarding equity, diversity, and inclusion if they are to lead this change at the Board. Some also pointed to issues of morale and lack of advancement as beginning with those in management positions who lack the skill and desire to foster welcoming work environments and to lead through an ethical and equitable lens.

Morale is extremely poor because we feel that our work environment isn't welcoming or inclusive. Management... uses fear and openly shows that it distrusts its employees. It is not uncommon to hear all levels of management and employees make disparaging comments or make fun of other employees openly in front of other staff when the employee is not there... Senior management should have WSD employees complete a 360 survey, share the results with the employees and the board and provide us a plan on how they are going to fix it. We need accountability.

Make sure that principals and vice principals are not discriminating [against] their employees, trying to use their position to destroy them, providing evaluations that don't reflect the reality and don't follow the procedures. I lived through a very bad experience with the principal of the school where I was in my first year. To ensure a safe workplace for the staff, WSD need to make sure principals and vice principals really KNOW their JOB and are doing it PROPERLY.

Educate managers and supervisors to understand both why diversity is important and how to work with a diverse workforce.

Have intensive workshops on bullying so that administrators can recognize such behaviour in themselves. Children and adolescents have the potential to learn many non-inclusive behaviours from local administrators.

Hiring administrator's that do not bully their staff into doing things. Being more approachable without fear of repercussions.

Resistance to equity

In the consultations with employees, some expressed their lack of understanding and resistance to WSD's equity efforts. These comments suggest that the Division needs to do much more work to educate employees about employment equity and how it supports student success. It also suggests the need to ensure that the success of Indigenous employees and employees from the equity-seeking groups are supported and that inappropriate behaviours directed at these employees are addressed when they do occur.

Stop with the identity discrimination. Putting people into groups like you're doing is discrimination. This is not inclusive. This is not welcoming.

I believe that WSD has always been a welcoming and inclusive environment. Making learning and success of learning at the forefront of WSD is most important. Placing diversity, inclusivity and equity ahead of this can hurt the education of students.

In my time with the WSD, the most discriminatory era is this current one when some people are promoted and/or hired because they are part of a perceived group.

Hire the right person for the job based on experience, schooling and fit for school. Not to check a box to say we have x amount of this race. Best person for the job.

In addition, to these issues, the input from employees throughout the consultations highlighted the need to deepen employee understanding of employment equity. In addition, we noted the continued use of outdated terms such as “coloured people”, “minorities”, and “Afro-Canadians” which suggests the need for WSD to continue to update the terms it uses and also educate employees about these updated terms.

There is also a need for employment equity strategy that clearly defines equity, diversity, and inclusion and identifies specific goals, the connection to student achievement and well-being, and action to be taken over the coming 5 years to achieve these goals. In order to implement an employment equity strategy, it must be appropriately funded and staffed. While the Division should assign one person to lead the implementation of the strategy, the work needs to be embedded into the roles and responsibilities of each WSD leader and employee, appropriate to their role.

Recommendation 75: It is recommended that the WSD develop a multifaceted communications/learning strategy that is updated on an ongoing basis and that may include newsletters, lunch and learns, a glossary of equity terminology, book clubs, podcasts, and other informal methods of promoting knowledge, resources, tools, and practices, etc.) with the goal of:

- Increasing employee understanding of employment equity, diversity, and inclusion
- Increasing employee understanding of barriers to hiring, advancement, and inclusion in the labour market generally and within the WSD more specifically, addressing the facts and myths associated with employment equity
- Defining key terms and concepts, and

- Developing and communicating a business case for employment equity, diversity, and inclusion that links the organization's equity, diversity, and inclusion efforts to student success.

Recommendation 76: It is recommended that all senior leaders learn about equity in leadership and receive individual coaching, as needed, to support their ongoing development and deepen their ability to lead the Division's equity efforts and embed equity into all that the Division does.

Recommendation 77: It is recommended that the Division share this report and the resulting action plan with employees and members of the school community and provide regular updates with respect to implementation to better support employees to understand the need and rationale for its employment equity, diversity, and inclusion efforts.

Recommendation 78: It is recommended that issues of equity and human rights be embedded into all other training provided to employees, as appropriate, so that they are able to see the connections to all the work they do.

9.5 Equity infrastructure

Through the consultations, we repeatedly heard that the Division has the best of intentions with respect to employment equity, but that it does not have an employment equity program in place that would meet its stated commitment. Employees shared that it is in part due the culture of the organization, which is seen as large and hierarchical, not innovative, and as one person described "a dinosaur."

Participants stated that in an organization this large and complex and which is at the beginning of its employment equity program. With the absence of dedicated staff, infrastructure to support implementation, and accountability mechanisms, they shared concern that progress will not be made to creating a more diverse, equitable, and inclusive work environment. In addition, employees also expressed that while equity work is hard personal work, the Division is not providing the supports and resources for employees to engage in this work at the personal level.

Participants shared their perception that the Board needs to allocate resources if equity is to be embedded within everything it does, rather than compartmentalized as one-off activities that are planned only when issues arise. Participants also stated that a large part of this work needs to focus on cultivating a culture of kindness and compassion for employees, including a culture that is open to difference.

Employees also shared their concern that equity work will be pushed aside given the weight of too many priorities, the COVID-19 pandemic, and the Division trying to do too much with too few resources. While in the long run it will be cheaper to embed

equity into everything the Division does, in the short term it requires the allocation of additional resources.

Recommendation 79: It is recommended that WSD use the recommendations from this report to develop an Employment Equity Strategy and implementation plan which includes accountability measures.

Recommendation 80: It is recommended that appropriate financial and human resources be allocated to support the implementation of the Employment Equity Strategy and to lead the Division's employment equity efforts.

Recommendation 81: It is recommended that WSD identify barriers to hiring and advancement and set targets to close any gaps in representation by periodically conducting a Workforce Census.

Recommendation 82: It is recommended that the Division conduct another Employment Equity Audit in 5 years to assess progress and develop a new Employment Equity Plan.

10. Conclusion and Next Steps

Education is a vital public service that will shape this country for generations to come. As many research studies show, those responsible for designing and delivering education through our public education system play a critical role in determining the outcomes for students, who increasingly come from diverse communities, backgrounds, and identities.

Indigenous peoples remain the fastest-growing communities in the country. In addition, Canada is becoming increasingly diverse as the population ages and the country relies more heavily on immigration for population and labour market growth. To remain vibrant and growing, the province must be welcoming and inclusive to all communities. The WSD, as a major employer and community partner in the city, can also lead the community in being welcoming and inclusive of Indigenous peoples and those from the equity-seeking groups. In a time of limited financial resources, equity in employment will allow the WSD to benefit from the creativity and innovation that a diverse workforce can offer while also becoming more responsive to students, parents, and school communities.

Conducting this Employment Equity Audit is an important step in the school division's employment equity program. But while this is an important step, the thoughtful and well-coordinated implementation of the recommendations from this report, led by courageous leadership, is critical to making sustained change.

Appendix A: Policies and Documents Reviewed

Policies and Procedures Reviewed

Absence of Staff Procedure

Accommodation Policy and Administrative Procedures

Discipline and Discharge Policy and Administrative Procedure

Employee Complaints and Grievances Policy and Administrative Procedure

Employee Health and Safety Use of Chemical Substances Policy

Employment Equity Policy

Harassment Prevention Policy and Administrative Procedure

Leave of Absence Policy

Management Rights Policy

Personnel Records Policy

Preferred Names and Pronouns Policy

Prevention of Blood-Borne Communicable Diseases Policy and Administrative Procedure

Professional Development Policy and Administrative Procedure

Recruitment Policy and Administrative Procedure

Resignation/Retirement Policy

Safety Initiatives Administrative Procedure

Scent-Free Workplace Policy

School Professional Development Procedure

Selection of School Administrators Policy and Administrative Procedure

Short Leave of Absence Procedure

Smoke Free Environment Policy and Administrative Procedure

Smudging in School Division Buildings Procedure

Staff Conflict of Interest Policy

Transitioning in the Workplace Policy and Administrative Procedures

Tuberculosis Procedures

Use of Internet Procedure

Violence Prevention Policy and Administrative Procedures

Workplace Safety and Health Policy and Administrative Procedure

Documents Reviewed

Accessibility Plan

Respectful Workplace Procedures Manual

Staffing Framework

Strategic Plan 2016-2020

Workplace Safety and Health Inspection Forms

Appendix B: Recommendations by Priority Area

Priority 1: Diversify the workforce at all levels

Recommendation 28: It is recommended that a description of the job, duties, skills, and qualifications be included on each job posting.

Recommendation 29: It is recommended that the salary range be included on each job posting.

Recommendation 30: It is recommended that the Division revise its equity statement to use the up-to-date terms of Indigenous peoples and racialized people (visible minorities).

Recommendation 31: It is recommended that the Division expand the equity statement to also state a commitment to removing barriers to hiring, advancement, and the full inclusion of Indigenous peoples and members of the equity-seeking groups.

Recommendation 32: It is recommended that the equity and accommodation statements be included on each job posting as well as on the Division's Careers webpage.

Recommendation 33: It is recommended that the accommodation statement be updated to state that the Division will provide accommodation to all applicants based on any Code-protected characteristic during the interview and assessment process, upon request.

Recommendation 34: It is recommended that the Division include equity-related competencies specific to each role, and that these competencies be reflected within the job postings and assessed through the selection process.

Recommendation 35: It is recommended that the Careers webpage be updated to provide the following information:

- What to expect in the interview process
- Application and interview tips
- Other benefits of working at the WSD

- Answering frequently asked questions, including “What types of accommodation will be provided to support me to participate in the hiring and selection process?” “What if my interview falls on a holy day or holiday?” and “What is the process to request an accommodation?”
- The process that will occur should a candidate’s Police Information Check and Child Abuse Registry Check not be clear
- Information for internationally trained professionals who wish to have their credentials assessed.

Recommendation 36: It is recommended that WSD engage in targeted outreach recruitment to attract applicants by sharing job postings with community and professional organizations that serve Indigenous peoples and the equity-seeking group to help diversify the applicant pool for all positions.

Recommendation 37: It is recommended that WSD develop processes to ensure that it is not accepting fraudulent educational credentials.

Recommendation 38: It is recommended that WSD ensure that it is not in violation of human rights and guidance will be provided to those involved in the hiring process should a candidate not be able to provide their original certificate or degree.

Recommendation 39: It is recommended that WSD remove any questions related to citizenship from the application form.

Recommendation 40: It is recommended that WSD use the term “Indigenous to North America or Turtle Island” to ensure that the survey is not capturing people who are Indigenous to other parts of the world.

Recommendation 41: It is recommended that WSD develop procedures to ensure that it makes use of the self-identification data to identify barriers in the hiring process and to support the diversification of the workforce.

Recommendation 42: It is recommended that WSD inform job applicants whether and how their demographic data will be considered in the selection process.

Recommendation 43: It is recommended that all Human Resources staff along with managers and school administrators involved in hiring be provided with guidance on AMA requirements to ask about and provide accommodation in the hiring process, and that they be reminded that a candidate’s need for accommodation is not to be considered when making a hiring decision.

Recommendation 44: It is recommended that the Careers webpage communicate to job seekers that WSD will provide accommodation in the hiring process, short of undue

hardship, based on any Code-protected characteristic, and that job seekers should let their accommodation needs be known when they are contacted for an interview.

Recommendation 45: It is recommended that Human Resources Services develop, share, and require the use of a pre-screening form to support the consistent assessment of applicants in order to determine who is invited for an interview and that this form be retained in the staffing files.

Recommendation 46: It is recommended that hiring managers are advised to include people from diverse backgrounds on the interview panel. When hiring for positions with a specific focus on Indigenous students, the hiring panel should be comprised predominantly of Indigenous peoples.

Recommendation 47: It is recommended that training be provided to all those involved in the hiring process to ensure that they have the knowledge and skills to support a bias-free hiring process. This should include training to help them understand how and why they should provide accommodation during the hiring process and that the need for accommodation should not be considered when making the hiring decision.

Recommendation 48: It is recommended that all those involved in hiring receive mandatory training to help them understand and minimize the impact of unconscious bias in the hiring process and understand how to create bias-free hiring processes that focus on the objective assessment of candidate's job-related skills and abilities.

Recommendation 49: It is recommended that the hiring panel receive guidance on interview questions including: that a question to assess the candidate's equity-related competencies ought to be included; that a mix of different types of interview questions should be included (i.e., behavioural, situational, technical or knowledge, and experience); and guidance to support questions that focus on assessing the candidate's skills and abilities for the job. This may also include developing a pool of interview questions related to various competencies from which hiring managers are able to select.

Recommendation 50: It is recommended that a Hiring Toolkit be developed to:

- Provide guidance to hiring managers on developing interview questions that focus on assessing the candidate's skills and abilities to do the job and the need to score each question against predetermined "look fors"
- Educate members of the hiring panel about how cultural, gender, and other biases may impact their hiring decisions. This should include instructing panel members to ask interview questions that assess a candidate's skills and abilities to do the job and not other factors such as their perceived "passion" for the job

- Require that the interview panel provide a written copy of the interview questions for the candidate to refer to during the interview and, where possible, allow the candidate to review the written questions a few minutes prior to the interview
- Include instructions for interview teams that reflect a number of best practices:
 - o Open the interview by explaining the process to the candidate, including the number of questions to be asked and the time allotted for the interview
 - o Guidance on the use of “look fors”
 - o Guidance on probing
 - o Consensus scoring
 - o Guidance on cultural norms (e.g., candidates not making eye contact)
- Address the potential impact of unconscious bias in the hiring process, including tips for hiring managers to mitigate the impact of bias on the hiring process.

Recommendation 51: It is recommended that hiring panels receive guidance on other forms of assessment, such as presentations and testing that can be employed to better assess a candidate’s skills, and to ensure that these assessments are consistently administered and scored and that candidates are asked whether they require any accommodation to complete the test.

Recommendation 52: It is recommended that reference checks include a question, appropriate for the position, on equity and diversity.

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

Recommendation 54: It is recommended that guidance be provided to hiring managers on their responsibilities and the action to be taken to diversify the WSD workforce.

Recommendation 55: It is recommended that the job postings for principals and vice principles state that candidates will be provided with accommodation based on any Code-protected characteristic and that candidates should let their needs be known when invited for an interview.

Recommendation 56: It is recommended that equity-related competencies be included in the characteristics sought in principals and vice principles.

Recommendation 57: It is recommended that the interview notes for principals and vice principals be retained for at least 18 months for review should there be a human rights complaint or grievance.

Recommendation 58: It is recommended that WSD communicate changes to the hiring and promotion policies and procedures in order to increase confidence that these processes are fair and support the fair assessment of job candidates based on their skills and abilities to do the job.

Recommendation 81: It is recommended that WSD identify barriers to hiring and advancement and set targets to close any gaps in representation by periodically conducting a Workforce Census.

Priority 2: Create more equitable policies and practices

Recommendation 4: It is recommended that the Staff Conflict of Interest Policy make reference to “family and friends” when describing what constitutes a conflict of interest.

Recommendation 5: It is recommended that the Staffing Framework be revised to: address the need to comply with the *Manitoba Human Rights Code* and the *Accessibility for Manitobans Act*; integrate how the objectives of the Employment Equity Policy will be achieved; and expand the definition of conflict of interest.

Recommendation 6: It is recommended that the Recruitment Policy and Administrative Procedure be updated to:

- Reflect the current application process and to remove the questions pertaining to disability and driver’s license (unless it is a bona fide job requirement)
- Adding the Code-protected characteristic of gender identity
- Stating that all vacancies greater than three months be posted
- Stating the commitment to provide accommodation based on any Code-protected characteristic in the hiring process, and
- Stating that those requiring a transfer for accommodation or other reasons related to a Code-protected characteristic will be given priority.

Recommendation 7: It is recommended that the characteristics of an effective school administrator identified in the Selection of School Administrators Policy and Administrative Procedure be revised to include equity competencies.

Recommendation 8: It is recommended that the Selection of School Administrators Policy and Administrative Procedure be revised to ensure that the process reflects a

need to consider equity competencies and how employment equity will be considered in the hiring process in order to support the hiring of school leaders from the designated groups. It should also ensure that the selection process is free of personal biases and provide for training of those involved in the selection process.

Recommendation 9: It is recommended that the Safety Initiatives Administrative Procedure include the requirement to identify employees who may require support to evacuate WSD buildings and that individualized workplace emergency response plans be developed for these individuals.

Recommendation 10: It is recommended that the Employee Health and Safety Use of Chemical Substances Policy and the Employee Assistance Policy address the fact that addiction or substance dependence is recognized by the Manitoba Human Rights Commission as a form of disability, and that employees should be offered the opportunity to attend a rehabilitation program and return to work, with monitoring and conditions.

Recommendation 11: It is recommended that the Leave of Absence Policy remove gendered language.

Recommendation 12: It is recommended that the Professional Development Policy and Administrative Procedure be reviewed and revised to be consistent with the goal of supporting equitable access to professional development that supports the advancement of members of the designated groups within the Division. They should also specify a commitment to non-discrimination and ensuring that barriers to professional development do not exist for members of the designated groups.

Recommendation 13: It is recommended that WSD embed in policy the need to conduct exit interviews/surveys with employees who voluntarily resign from the organization. The exit interviews should include questions about the employee's experiences working with the organization and work team or school. The questions should also allow WSD to analyze employees' reasons for leaving, by identity group, to better understand the experiences of Indigenous staff and those from the equity-seeking groups and how these experiences may have contributed to their departure from the organization.

Recommendation 14: It is recommended that, on an annual basis, Human Resources summarize information from the exit interviews/surveys, by identity group, to present to the Chief Superintendent/CEO in order to identify trends and develop plans to proactively address the identified concerns with respect to equity, diversity, and inclusion.

Recommendation 15: It is recommended that the Accessibility Plan, when next revised, be expanded to address the accessibility needs of WSD employees.

Recommendation 16: It is recommended that the Smudging in School Division Buildings Procedure be updated to refer to burning of traditional medicines and recognize that some employees and schools may wish to smudge on a regular basis and allow for the use of fans or air purifiers to remove smoke from the air after a smudge.

Recommendation 20: It is recommended that employee medical information not be retained in their personnel file.

Recommendation 21: It is recommended that WSD develop an Accommodation Policy to address the Division's obligations to provide accommodation based on any Code-protected characteristic.⁴⁹

Recommendation 22: It is recommended that WSD develop a Scent-Free Workplace Policy to reflect the organization's obligation to accommodate an employee with scent sensitivity, short of undue hardship.⁵⁰ This policy and supporting procedures should include processes to:

- Educate employees on the need to maintain a scent-free workplace
- Allow for smudging/burning of traditional medicines in properly ventilated areas
- Post notices in the workplace when a scent sensitivity has been identified
- Post notices that construction/re-modeling, waxing, shampooing, painting, spraying, etc., will be conducted 1 week beforehand so that affected personnel can make arrangements or have their duties modified during that time
- Put the policy statement notice on all appointment cards, stationery, room booking notices, employment postings, etc.
- Specify wording for "Scent Free" signs and where the signs will be posted, and
- Create mechanisms to consistently enforce the policy.

Recommendation 23: It is recommended that WSD develop a policy and procedures for employees to identify their preferred name, if it differs from their legal name, upon hiring (and potentially even during interviewing), as well as procedures to support the use of their preferred name unless use of their legal name is required.

⁴⁹ Manitoba Human Rights Commission. *Sample Accommodation Policy for Employers*. <http://www.manitobahumanrights.ca/v1/education-resources/resources/sample-policies-pages/sample-policies-sample-accommodation-policy-for-employers.html>

⁵⁰ See for example the following policies:

Ottawa Public Health. *Fragrance Free Environment: Sample Policy*. https://www.ottawapublichealth.ca/en/professionals-and-partners/resources/Documents/Workplace/sp_fragrance_en.pdf

Children's Aid Society of Toronto. *Scent Free Policy*. <https://www.torontocas.ca/scent-free-policy>

Recommendation 24: It is recommended that WSD educate staff about employees' and students' use of preferred names and pronouns.

Recommendation 25: It is recommended that WSD develop a policy and related procedures to support transgender employees who may be transitioning at work.⁵¹

Recommendation 26: It is recommended that the Division establish a review schedule to ensure that each human resource policy is reviewed at least once every three years and that the review be conducted through an equity lens.

Recommendation 27: It is recommended that the Division use its policy review process as an opportunity to incorporate gender-neutral language in all policies.

Priority 3: Create a more inclusive and welcoming work environment

Recommendation 17: It is recommended that the Harassment Prevention Policy and Administrative Procedure be updated to address the identified issues.

Recommendation 18: It is recommended that the Violence Prevention Policy and Administrative Procedure be updated to address the identified issues.

Recommendation 19: It is recommended that the Respectful Workplace Procedures Manual be updated to address the identified issues and to ensure consistency with revisions to the Harassment Prevention Policy and the Violence Prevention Policy and administrative procedures.

Recommendation 59: It is recommended that ongoing training be provided to Human Resources staff, managers, and principals to address ableist attitudes, to better understand their legal obligations under the Manitoba *Human Rights Code* to provide accommodation, and understand how the Division benefits from providing accommodation to enable employees to keep working and to do their best work. This training should also help participants understand the range of physical and mental disabilities, both evident and non-evident, for which accommodation may be requested and the types of accommodation that may be provided, and the principles of accommodation. This training should also address their obligations to keep the employee's information confidential.

Recommendation 60: It is recommended that the Division provide appropriate training and ongoing education for all managers and school leaders about their duty to accommodate employees based on any Code-protected characteristic, particularly disability, religion, and family responsibilities

⁵¹ See for example:

City of Toronto. *Guidelines for Accommodating Gender Identity and Gender Expression*. <https://www.toronto.ca/city-government/accountability-operations-customer-service/city-administration/corporate-policies/people-equity-policies/accommodation/guidelines-for-accommodating-gender-identity-and-gender-expression/>

Recommendation 61: It is recommended that the Division review the workload and processes of Human Resource staff responsible for accommodation to ensure that they have the capacity to respond to accommodation requests in a timely manner.

Recommendation 62: It is recommended that the Division revise the processes and tools used in the accommodation process to ensure compliance with the *Human Rights Code* and that accommodation be provided according to the principles of accommodation.

Recommendation 63: It is recommended that the Division establish timelines for responding to accommodation requests and that processes be put in place to track accommodation requests, when they are responded to, the amount of information requested by doctors, the number of independent medical examinations conducted, the number of employees on short and long-term sick leave, when accommodation is provided, and the number and type of accommodations provided. A summary report should be prepared and presented to the Chief Superintendent on a quarterly basis.

Recommendation 64: It is recommended that employees be provided with information about their right to accommodation, the process for requesting accommodation, the principles of accommodation, the type of information that may be required, the timelines, and FAQs to ensure they have the information to fully understand the process. Emphasis should be placed on explaining the Division's legal obligations under the *Manitoba 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 65: It is recommended that a central accommodation fund be developed so that schools and departments are not expected to pay for more costly accommodations on their own, which could impact whether the needed accommodations are provided.

Recommendation 66: It is recommended that the Accommodation Policy (proposed in Recommendation 21) and supporting procedures and guidance documents address the need for equipment purchases by the school or department to move with the employee should they move to another school or department. This policy should also specify how long-term or permanent disabilities are handled, so that employees are not required to reapply for accommodations on an annual basis or when they have a new manager. The policy should specify which accommodations will be paid for through a central fund and the process for accessing this fund.

Recommendation 67: It is recommended that the Division negotiate Memorandums of Understanding with each union, federation, and association to support all parties to meet their obligations to accommodate employees across bargaining units.

Recommendation 68: It is recommended that WSD develop operating procedures for accommodating religious, Indigenous, and spiritual observances that provides clear procedures on how to access accommodation, including Indigenous cultural and spiritual observances. These procedures should be consistent with the requirements of the *Manitoba Human Rights Code* and the principles of accommodation.

Recommendation 69: It is recommended that WSD explore the removal of barriers to the hiring of elders/knowledge keepers to improve access to language teachers for Indigenous students. This may include replacing the requirement of a bachelor's degree with a community-led vetting process, for example.

Recommendation 70: 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 managers develop the competence and confidence to identify and address inappropriate behaviours when they do occur. This training should also remind people leaders of their legal obligations to foster a respectful work environment, to lead by example, and to act to stop harassment and discrimination when they witness or hear about these behaviours.

Recommendation 71: It is recommended that all employees receive training on racism and other forms of oppression, the WSD's legal obligations to create harassment- and discrimination-free workplaces, and managers' obligations to act when they know about or ought to be aware of racism in the workplace.

Recommendation 72: It is recommended that the Division ensure appropriate resources to investigate and address complaints of inappropriate behaviours under the *Manitoba Human Rights Code*.

Recommendation 73: It is recommended that the Division establish and provide ongoing support to affinity groups/employee resource groups to create safe and inclusive spaces for Indigenous employees and those from the equity-seeking groups for networking and support. Furthermore, the Division should use the affinity groups as a valuable resource to continue its work to identify and remove barriers to employment equity, diversity, and inclusion.

Recommendation 74: It is recommended that the Division 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.

Recommendation 75: It is recommended that the WSD develop a multifaceted communications/learning strategy that is updated on an ongoing basis and that may

include newsletters, lunch and learns, a glossary of equity terminology, book clubs, podcasts, and other informal methods of promoting knowledge, resources, tools, and practices, etc.) with the goal of:

- Increasing employee understanding of employment equity, diversity, and inclusion
- Increasing employee understanding of barriers to hiring, advancement, and inclusion in the labour market generally and within the WSD more specifically, addressing the facts and myths associated with employment equity
- Defining key terms and concepts, and
- Developing and communicating a business case for employment equity, diversity, and inclusion that links the organization's equity, diversity, and inclusion efforts to student success.

Recommendation 76: It is recommended that all senior leaders learn about equity in leadership and receive individual coaching, as needed, to support their ongoing development and deepen their ability to lead the Division's equity efforts and embed equity into all that the Division does.

Recommendation 77: It is recommended that the Division share this report and the resulting action plan with employees and members of the school community and provide regular updates with respect to implementation to better support employees to understand the need and rationale for its employment equity, diversity, and inclusion efforts.

Recommendation 78: It is recommended that issues of equity and human rights be embedded into all other training provided to employees, as appropriate, so that they are able to see the connections to all the work they do.

Priority 4: Strengthen the organization's equity infrastructure

Recommendation 1: It is recommended that the next strategic plan include:

- An analysis of the racial diversity of the Winnipeg school community in its demographic analysis
- A comparison of the WSD's workforce with the diversity of the school community to identify gaps in representation
- Recognize the increased mental health needs of employees and the need to support employee mental health so that they can better serve students, and
- Recognize the need to foster more inclusive and safe working environments

in order to create the environments in which employees can give their best to students and to retain employees

- That the performance indicators include rate of employee retention/turnover by designated group, diversity of school division staff be replaced with gap in representation of the diversity of staff compared to the diversity of the student population or community served, and that leadership opportunities be promoted for designated group members.

Recommendation 2: It is recommended that the Employment Equity Policy be updated to remove men as a designated group since there is no evidence that they experience systemic and persistent discrimination in the labour market.

Recommendation 3: It is recommended that WSD develop procedures to support the implementation of the Employment Equity Policy.

Recommendation 79: It is recommended that WSD use the recommendations from this report to develop an Employment Equity Strategy and implementation plan which includes accountability measures.

Recommendation 80: It is recommended that appropriate financial and human resources be allocated to support the implementation of the Employment Equity Strategy and to lead the Division's employment equity efforts.

Recommendation 82: It is recommended that the Division conduct another Employment Equity Audit in 5 years to assess progress and develop a new Employment Equity Plan.