

Enhancing Employment Equity in TDSB

2019-2020 Report

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Employment Equity in Canada

The Abella Royal Commission was struck in June 1983 at a time when Canadian society and politics were embroiled in struggles surrounding social justice and inequality. The era of the 1970s through the mid-1980s was marked by activism by advocates for women, racialized groups, persons with disabilities, and Aboriginal peoples who were organizing politically and raising demands that the inequality they experienced be addressed. In 1982, Canada's Charter of Rights and Freedoms was adopted, influenced by a remarkable grass roots campaign by women across Canada to ensure that gender equality rights would be protected.

Justice Rosalie Silberman Abella was the sole commissioner on the Royal Commission on Equality in Employment, whose report was released in 1984. Equality in Employment: A Royal Commission Report (Abella 1984, often called the Abella Report) was a landmark that fundamentally influenced the fields of employment and human rights law, jurisprudence, and public policy. It created the concept of employment equity, a distinctly Canadian policy to address inequality in employment on the basis of gender, visible minority status, disability, and Aboriginal identity. Today, addressing inequality in employment has been extended to on the basis of sexual orientation and other demographics.

Purpose of Employment Equity

Much legislative attention has been paid to eradicating and remedying discriminatory behaviour. Human rights acts, labour codes, and the Charter of Rights and Freedoms contain provisions to address the problem. By and large these provisions have been limited in two respects: they are restricted to individual allegations of discrimination; and they are potentially restricted, except under the Ontario Human Rights Code and the Canadian Human Rights Act, to cases of intentional discrimination.

This approach to the enforcement of human rights, based as it is on individual rather than group remedies, and perhaps confined to allegations of intentional discrimination, cannot deal with the pervasiveness and subtlety of discrimination.

Neither, by itself, can education. Education has been the classic crutch upon which we lean in the hopes of coaxing change in prejudicial attitudes. But education, in the eyes of many, is an unreliable agent, slow in movement and impact, and often completely ineffective in the face of intractable views. It promises no immediate relief despite the immediacy of the injustice.

Employment Equity Toronto District School Board

Prior to amalgamation, some of the legacy Boards did engage in Employment Equity.

In June 2004, the Board approved an Employment Equity Policy. In February 2005, the Board approved the establishment of an Employment Equity Office and administration of a Self-Identification Census to be completed by all employees. In June 2006, the initial Workforce Census took place and since then, two additional staff censuses have been conducted.

The Employment Equity Office continues to establish a commitment to the development, implementation and maintenance of employment and promotion policies, practices and procedures that result in and sustain a workforce that, at all levels, reflects, understands and responds to our diverse population.

The Employment Equity Office works collaboratively and in partnership across the system and with various departments to further employment equity in the Board. This includes working with the Human Rights Department for creed based employee accommodation and , the Urban Indigenous Education Centre for hiring and recruitment Employee Services for accommodations and promotions, Elementary/Secondary and Occasional Teaching for outreach, recruitment and hiring, Professional Learning, Training and Leadership for staff development and organizational capacity building, and Research and Development for demographic data enhancement.

Multi-Year Strategic Plan

The Employment Equity Office supports the Multi-Year Strategic Plan through the goal of providing Equity of access to learning opportunities for all students.

Specifically, the Employment Equity Office has been reviewing and enhancing recruitment practices to enable the hiring of Indigenous staff and teachers. This has included but is not limited to working with the Urban Indigenous Education Centre (UIEC) to initiate a *special programs* provision to assist in enhancing and enabling the hiring of Indigenous staff, as well as hosting a specific opportunity fair at the UIEC. Further, the Employment Equity Office is working directly with the Bachelor of Education (BEd) – WAABAN Indigenous Teacher Education program to recruit teachers with priority for interview given to Waaban teacher candidates.

In addition, the Employment Equity Office has completed a review and refresh of demographic questionnaires from point of application - to point of hire -to point of promotion in order to provide a consistency of language and demographic data.

The Employment Equity Office has also provided various professional learning opportunities to those who hire staff in TDSB so that our hiring processes are fair, equitable and inclusive.

Further, the Employment Equity Office has engaged staff to create equitable opportunities for advancement, and supported staff in their professional development including through the leadership and mentoring program for racialized and Indigenous teachers and staff.

Finally, the Employment Equity Office will be initiating a review of the Position of Responsibility (POR) positions and processes for hiring and promotion so that our commitment to equity is embedded in all processes.

The work of the Employment Equity Office for the past year can be summarized through the following six main areas of focus. They include Organizational Capacity Building, Case Management, Data Management, Workplace Inclusion, Accommodations, and Policies and Procedures.

1. Organizational Capacity Building

One of the cornerstones of the work of the Employment Equity Office is to engage the current complement of staff within certain demographic and employee groups to develop and strengthen their skills, instincts, abilities, processes and resources that are required to support, survive, advance and thrive.

These initiatives will both increase the pool of candidates highly qualified for Board employment and ensure recognition and development of the abilities of current employees. They include but are not limited to the following:

- Leadership and Mentoring Program for Racialized and Indigenous Teachers and Support Staff

The Employment Equity Office offered a six session leadership and mentoring programs for Racialized and Indigenous Teachers. In addition, a five session leadership and mentoring program was available for Racialized and Indigenous staff.

- Staff Development and Training Programs

The Employment Equity Office conducted various professional development opportunities and training through various workshops and seminars to schools, departments, and staff to foster and endorse attitudes and behaviors that advance employment equity.

- Career Coaching and Development

The Employment Equity Office supported employees in career development and of career opportunities within the Board and related requirements.

2. Case Management

The Employment Equity Office (EEO) provides consultation to employees which includes expert advice, guidance and information about the policy and procedures, as well as on harassment and discrimination. The EEO also engages in case management of complaint procedures which may differentiate between “formal” and “informal” processes. Further the EEO facilitates mediation and dispute resolution. The following are some of the steps in managing complaints and issues related to employment equity:

- Screening

- Assessing
 - Stratifying Risk
 - Planning
 - Implementing
 - Following-Up
3. Data Management

The Employment Equity Office gathered voluntary workforce data to understand the composition of our workforce, including the representation of designated groups, and to foster employment equity, in keeping with the Board's commitment to Employment Equity. We collect applicant diversity data to help inform, evaluate and diversify our employee recruitment and talent management strategies. These efforts add to our ongoing work to build an equitable and inclusive community where all members flourish, and to advance employment equity across the Board.

Further, the Employment Equity Office collects, analyzes and reports on workforce data to track progress in achieving representation of designated group members in the spirit of the Board's Employment Equity policy.

Currently the four primary areas for data collection within the Board include:

- Workforce/Staff Census (Every 5-6 years)
- Point of Application (New Applicants to Teaching and Support Staff)
- Point of Hire (During Documentation)
- Principal/Vice Principal Promotion (Application Process)

The Board collects applicant diversity data to help inform, evaluate and diversify our employee recruitment and talent management strategies. These efforts add to our ongoing work to build an equitable and inclusive community where all members flourish, and to advance employment equity across our employee groups.

Employee and applicant data on designated group status are also used for monitoring participation rates, measuring and identifying outcomes, identifying outreach priorities and for responding to Human Rights Commission complaints.

Due to the current lockdown, demographic data reports cannot be processed, and as a result, various data reports are not available. These reports will be shared through Employee Services to Senior Team and Executive Leadership.

The Employment Equity Office is working with Research and Development to develop a comprehensive data plan. Currently, work is being done to address a number of the limitations of the workforce/staff census including the inability to provide school based, Learning Centre or department based, staff demographic data sets

4. Workplace Inclusion

The Employment Equity Office seeks to create a healthy and favorable climate in the work environment. The Toronto District School Board is committed to a workplace free of discrimination that is supportive and respectful of employees with diverse

backgrounds and one that ensures everyone at the TDSB has a full and enriching work experience. A diverse workplace is not necessarily an inclusive one. In this sense, inclusion is the pre-requisite for the functioning of a diverse workforce and involves the full and successful integration of diverse people into a workplace.

The Employment Equity Office supports and cultivates diversity and inclusion in the workplace through the following:

- Representation- the presence of people across a range of employee roles and leadership positions
- Receptivity – Respect for differences in working styles, and flexibility in tailoring positions to the strengths and abilities of employees.
- Fairness – Equitable access to all resources, opportunities, and networks, and decision making processes.

5. Accommodations

The duty to accommodate recognizes that people have different needs and require different solutions to gain equal access to employment. The Employment Equity Office provides guidance and support for accommodations including at the pre-employment stage (for job applicants, including interviews and testing), on boarding and during employment. The duty to accommodate can arise in different situations as a result of a person's disability, age, religion, marital status, immigration status, ethnic or racial identity or family obligations or other factors listed in the Ontario Human Rights Code. Collective agreements or other contract arrangements cannot act as a barrier to providing accommodation. The courts have determined that collective agreements and contracts must give way to the requirements of human rights law. If an employer and a union cannot agree on how to solve an accommodation issue, the employer must make the accommodation in spite of the collective agreement

Accommodation is a fundamental and integral part of the right to equal treatment. When facilitating accommodations, in addition to "good faith" (accept the employee's request for accommodation in good faith, unless there are legitimate reasons for acting otherwise) the Employment Equity Office involves three factors: dignity, individualization and inclusion.

- Dignity: Persons must be accommodated in a way that most respects their dignity, including their privacy, confidentiality, comfort and autonomy.
- Individualization: There is no set formula for accommodation. Each person's needs are unique and must be considered afresh when an accommodation request is made. A solution may meet one person's requirements but not another's, although many accommodations will benefit many other people with similar needs.
- Inclusion: Achieving integration and full participation requires barrier-free and inclusive design and removing existing barriers. Preventing and removing barriers means all persons should have access to their environment and face the same duties and requirements with dignity and without impediment.

6. Policies and Procedures

Policies and procedures can act as a barrier or a resolution in employment equity. The Employment Equity Office regularly reviews and evaluates policies and procedures to assess if they are prohibitive or have a negative impact on an employee or designated group. Currently, the Employment Equity Office is pursuing the following policies and procedures:

Employment Equity Policy (P029) – The Policy is being reviewed in accordance with the *Policy Review Schedule* and the policy review process.

Special Programs Provisions – Adapting specific programs that help disadvantaged groups improve their situation. It is not discrimination to put in place a 'special' program if it is designed to improve equality of opportunity and help eliminate discrimination for such groups. These can include outreach and consultation with experts and representatives of designated groups or special training programs during the recruitment process, or specific hiring or promotion. Special Programs are protected by the Ontario Human Rights Code and the Canadian Charter of Rights and Freedom.

Positions of Responsibility (POR) – Pursuing initiatives to address ongoing systemic and structural gaps as identified by Executive Staff in the selection and appointment of teachers to positions of responsibility. For example, develop employment equity resources, guidelines for hiring.

The Employment Equity Office is comprised of two employees, a Manager and a clerical support staff member. The Office faces significant challenges associated with impacting a system as large as TDSB with such a small complement of employees. The keys to ongoing success will be working effectively with other departments to leverage expertise and expand influence and to effectively collect and analyze data. Both of these will be pursued and reported on vigorously in the year ahead, as part of the larger accountability framework of the Board.