

LKDSB EQUITY AUDIT REPORT

October 2023



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EXECUTIVE SUMMARY

Lambton Kent District School Board (LKDSB, the Board) serves rural and urban communities throughout Southern Ontario, with 50 elementary schools, 12 secondary schools, and two adult and continuing education centres. The Board employs approximately 3,300 teaching and support staff to serve 21,600 students.

In 2023, the LKDSB sought the services of a consultant to conduct an Equity Audit to:

- Identify and examine systemic and attitudinal barriers, including those entrenched in current employment systems, policies, and practices, that may impede employment opportunities for Indigenous peoples and members of the equity-seeking groups, and
- Make recommendations to address any identified barriers and gaps.

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

Methodology for the Equity Audit

While the consulting team was open to exploring any issue of equity that arose in the course of conducting the 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, 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 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 15 files for competitions conducted in 2022–2023 to assess how policies are implemented and to identify informal practices
- Consultant-led focus groups in which 76 people participated
- An online Workplace Equity and Inclusion Survey distributed to all employees via email, in which 584 employees participated
- One-on-one interviews with 9 senior leaders and 4 union representatives, and
- Consultant-led focus groups with Human Resources staff.

In total, over 650 employees participated in these consultations, representing about 20% of the Board’s approximately 3,300 employees. At this level of participation, there is sufficient data to provide a high-level perspective of the Board’s policies, practices, and organizational culture and their impact on employees.

Key Priority Areas

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

Priority 1: Diversify the workforce at all levels

The Staff Census identified gaps in the representation of Indigenous peoples, racialized people, persons with disabilities, and 2SLGBTQ+ individuals in the LKDSB workforce. Employees also shared their concern that the Board’s workforce does not reflect the diversity of its students.

¹ See Equality in Employment: A Royal Commission Report by Judge Rosalie Abella. Released in 1984, this landmark report recommended enactment of employment equity as a government intervention to address the magnitude of systemic discrimination faced by Indigenous peoples, racialized people, persons with disabilities, and women. Employees from the 2SLGBTQ+ communities are also included in this Equity Audit given the research that indicates that they also experience harassment and discrimination in employment.

They also shared their perception that nepotism and favouritism impact hiring and advancement at the LKDSB and that they are in fact pervasive in the organization's culture. In addition, many shared their perception that the hiring process is unfair, difficult to navigate, and creates barriers to the hiring of candidates from Indigenous communities and the equity-seeking groups.

In addition, in order to advance efforts to diversify the LKDSB's workforce, those involved in the hiring process must be supported to recognize and mitigate their unconscious biases and to 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 rather what you know.

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

- Revise policies and processes to ensure they support merit-based hiring and eliminate hiring based on nepotism and favouritism
- Ensure that candidates are asked about and provided with accommodation in the hiring and selection process
- Ensure that the equity competencies of candidates are assessed, and
- Better communicate about the hiring process and changes to the process to make it more equitable, in order to increase employee confidence in the hiring process.

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

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

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

Priority 3: Create a more inclusive and welcoming work environment

While many employees shared that they experience a welcoming and inclusive workplace, many employees who are Indigenous, racialized, disabled, 2SLGBTQ+, and women reported that the Board's workplaces are not always safe and welcoming environments for them. Many others reported that the Board's organizational culture and their colleagues' individual attitudes are not welcoming or supportive of their hiring, advancement, and full inclusion in the workplace. Many shared that they have faced isolation, marginalization, racism, and harassment, including sexual harassment.

The findings from this review also suggest that the Board needs to do more to create a respectful and welcoming work environment and to ensure that managers and school leaders are effectively addressing issues when they arise.

Indigenous employees reported that they have experienced barriers to hiring and advancement and difficulty in navigating the Board's hiring process. In addition, they shared that their colleagues are largely uneducated about Indigenous issues and often express both overt and subtle forms of resistance to Indigenous employees and Indigenous education. Some also shared that their receipt of accommodation for cultural and spiritual observance has often depended on their relationship with the person they report to.

Persons with disabilities shared concerns primarily related to requesting and receiving accommodation that would enable them to be more effective in their roles. But they also shared that they experience workplaces that are neither inclusive nor supportive. Some shared that they felt penalized for simply having a disability by being required to participate in the Attendance Support Program.

2SLGBTQ+ employees shared that in many parts of the Board, they feel unsafe being open about their sexual or gender identity because they fear harassment and discrimination from colleagues as well as community members. Those who are open about their sexual or gender identities shared that they routinely experience microaggressions and open hostility, with some employees noting that they have to "mute" their identities. In addition, some 2SLGBTQ+ employees shared that they often serve as supports for 2SLGBTQ+ students and incorporate issues of equity into their classroom lessons. However, these employees also shared that they often do not receive their administrator's or the Board's support should parents complain.

Racialized employees shared that their workplaces are not always welcoming and inclusive. Like other groups, they shared that they have experienced almost daily microaggressions and subtle forms of aggression and inappropriate behaviours. For some, the racism they experience is not subtle—some employees shared that they routinely eat lunch in their classrooms to avoid racist discussions in staff rooms. They shared the mental and physical impacts of these behaviours on themselves, and like other groups, they reflected on how these experiences mirrored the experiences of racialized students.

Many racialized employees shared that hiring and advancement processes are heavily influenced by relationships, practices that create barriers for them to enter and advance within the organization. Women shared their perception that misogyny and sexism is part of the LKDSB culture, which impacts hiring, advancement, and how they are treated at the Board. In addition, they shared that their experiences of sexual harassment and physical aggression from male students and staff impacts their psychological and physical safety both when they are at work and at large in the community.

While many employees from all backgrounds shared having experienced harassment or discrimination, they also shared that their complaints have not always been addressed or addressed effectively. Many expressed their fear of reprisal if they were to make a complaint about inappropriate behaviours.

Despite the experiences of Indigenous staff and staff from marginalized groups and the need for the Board's equity efforts, employees shared their concern about the open resistance to equity work among staff and the community. Some of those who were unsupportive of this work joined the focus groups to share their lack of opinions.

Recommendations to foster more welcoming and inclusive work environments and to address issues when they do arise have been made in this report. In addition, the resistance to equity work among employees and members of the community suggests the need for the Board to do more to increase the knowledge and understanding of staff, change mindsets, and set clear expectations about workplace behaviours. As such, recommendations are made in the report to:

- Hold annual human rights training for all people leaders
- Develop a multifaceted communications/learning strategy that may include newsletters, lunch and learns, book clubs, podcasts, and other informal methods of promoting knowledge, resources, and tools
- Embed equity and human rights in all other training provided to employees and leaders so that they can see its connection to all the work they do and that the connection to student success is continuously reinforced, and
- Create and support Employee Resources Groups for Indigenous employees and employees from the equity-seeking groups to ensure they have safe and inclusive spaces to gather, support one another, and heal.

Priority 4: Strengthen the organization's equity infrastructure

In order to fully operationalize its commitment to employment equity, diversity, and inclusion, the LKDSB needs to create the infrastructure that will embed equity within the Board's employment policies and practices, sustain ongoing training and educational opportunities, and enable appropriate responses when issues do arise. This investment will also help to increase momentum and support all employees to

embed workplace equity, diversity, and inclusion in their day-to-day work so that employees see it as an add-in to their work instead of an add-on. Creating this infrastructure will allow the LKDSB to ensure that this work and the gains made are sustainable and create long-lasting change.

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

- Use the findings from this report and the Workforce Census to develop an Employment Equity Strategy to diversify the workforce, embed equity throughout the Board's employment policies and practices, foster more welcoming and inclusive work environments, and ensure accommodation and workplace accessibility in compliance with the Ontario Human Rights Code and the AODA
- Conduct another Staff Census and Equity Audit in 5 years to assess progress and develop a new Employment Equity Strategy.

PART A: INTRODUCTION

1. Background

Lambton Kent District School Board (LKDSB, the Board) serves rural and urban communities throughout Eastern Ontario, with 50 elementary schools, 12 secondary schools, and two adult and continuing education centres. The Board employs approximately 3,300 teaching and support staff to serve 21,600 students.

In its 2020/2021–2025/2026 strategic plan, the LKDSB has committed to inclusive diversity and the championing of anti-oppressive education. The Board has ensured that equity is the responsibility of one superintendent but is embedded in the work of all superintendents.

The LKDSB is undertaking several projects to examine equity, diversity, and inclusion among students and staff, the results of which will guide the Board's equity plans over the coming years. This work consists of the following activities.

Student Census (2021–2022 School Year)

The Student Census is a demographic survey of LKDSB students that will provide a picture of the diversity of the student population. The analysis of the data will also help identify systemic barriers and biases within the education system. It will help to ensure that the LKDSB is providing effective programming to support student success and well-being, as well as allocating resources where they are needed most.

Staff Census (2022–2023 School Year)

The Staff Census, the results of which are summarized in this report, is a demographic survey of all staff that will give the LKDSB a better understanding of the diversity of its workforce. The results of the Staff Census will help the Board achieve the goal of increasing the diversity of its workforce so that it reflects the diversity of students. The findings will also identify ways in which the Board can foster an inclusive work environment, where employees can bring their full selves to work, access opportunities to be productive, and grow as professionals.

Equity Audit (2022–2023 School Year)

An Equity Audit is an examination of employment policies and practices as well as the corporate culture through an equity lens. It will identify what more the Board can do to create a diverse workforce, create equitable employment policies and practices, and foster an inclusive work environment.

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

Indigenous Teacher Education Program

The LKDSB partners with Queen’s University through its Indigenous Teacher Education Program to provide more opportunities for Indigenous teacher candidates in order to improve Indigenous teacher representation in Ontario. Candidates are able to choose one of four community sites offered, including one in Lambton-Kent. Candidates take courses at Queen’s University, many of which are taught by Indigenous professors. They also have 18 weeks of practice teaching in First Nations and/or provincial schools.

2. Overview of an Equity Audit

2.1 The purpose of an Equity Audit

An 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 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, 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.² As such, these groups have been identified as the focus of the federal

² See Equality in Employment: A Royal Commission Report by Judge Rosalie Abella. Released in 1984, this landmark report recommended enactment of employment equity as a government intervention to address the magnitude of systemic discrimination faced by Indigenous peoples, racialized people, persons with disabilities, and women.

Employment Equity Act. In addition, the LKDSB has also included those who identify as 2SLGBTQ+ as part of this Equity Audit because of evidence that this group also faces discrimination in the labour market and harassment on the job.³ Recognizing that Indigenous peoples are not just another equity-seeking group, we refer to these five groups as “Indigenous peoples and the equity-seeking groups” throughout this report.

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

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

Systemic/institutional barriers

Systemic barriers are embedded in the policies and practices of an organization. They arise from the use of criteria that are not job related or are not required for the safe and efficient operation of the organization. Systemic barriers might have evolved from historical practices (i.e., the way the organization has always done things) that possibly exclude Indigenous peoples and 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
- Informal mentoring and networking opportunities that support the advancement of some groups and disadvantage Indigenous employees and employees from the equity-seeking groups

³ See for example:

Berlingieri, A., Welsh, S., MacQuarrie, B., McFadyen, N. D., Bigras-Dutrisac, H., with the Canadian Labour Congress. (2022). Harassment and violence in Canadian workplaces: It's [not] part of the job. Centre for Research and Education on Violence Against Women and Children, Western University. <https://documents.clcctc.ca/human-rights/Respect-at-Work-Report-2022-03-28-EN.pdf>

- Not hiring people who have gaps in their resumes, which could adversely affect people who have had to take time off work for reasons related to a disability.⁴

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 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 hired⁵

⁴ Ontario Human Rights Commission. (2022). Discrimination based on disability and the duty to accommodate: Information for employers. <https://www.ohrc.on.ca/en/discrimination-based-disability-and-duty-accommodate-information-employers>

⁵ Ontario Human Rights Commission. (2013). Pregnancy. In Guide to your rights and responsibilities under the Human Rights Code. <https://www.ohrc.on.ca/en/part-ii-%E2%80%93-interpretation-and-application/pregnancy>

- Removing resumes or applications from individuals with “ethnic” or Indigenous-sounding names because of stereotypes about these groups.⁶

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 additionally affected by organizational barriers that impact the organization’s ability to implement employment equity, create competing priorities, and limit the effectiveness of the organization’s employment equity efforts. This includes factors such as the shortage of occasional teachers, the ability to appropriately fund employment equity efforts, and an increase in the number of teachers and school administrators leaving the profession.

2.3 The benefits of an Equity Audit

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

Increased student success and well-being.⁷ A diverse workforce helps the LKDSB understand and respond to the needs of an increasingly diverse student population in three areas:

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

⁶ See for example: Somani, S. (2019, July 25). Study finds ‘racial and ethnic discrimination’ in hiring process in Canada, elsewhere. Global News. <https://globalnews.ca/news/5678054/racial-ethnic-discrimination-hiring-interview-callbacks/>

⁷ See for example:
Cherng, H.-Y. 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>

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

Strengthened confidence in public education. Board employees that reflect, understand, and respond to the needs of students, their parents, and the community also help to improve public confidence in publicly funded education. As noted in Ontario's Equity and Inclusive Education Strategy, an equitable and inclusive education system is fundamental to achieving high levels of student achievement, reducing gaps in student achievement, and increasing public confidence in publicly funded education.⁸

Furthermore, an equitable and inclusive education system is recognized internationally as critical to delivering a high-quality education for all learners.⁹

Strengthened employee relations and confidence in the LKDSB as an employer of choice. Organizations that implement formal nondiscriminatory and inclusive 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 LKDSB 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.¹⁰ 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.

⁸ Ministry of Education. (2022, June 15). Greater equity means greater student success. <https://www.ontario.ca/page/greater-equity-means-greater-student-success>

⁹ United Nations Educational, Scientific and Cultural Organization. (2008). Inclusive education: The way of the future [Reference document]. UNESCO International Conference on Education, 48th session, Geneva, Switzerland. https://www.ibe.unesco.org/fileadmin/user_upload/Policy_Dialogue/48th_ICE/CONFINTED_48-3_English.pdf

¹⁰ Morgan McKinley. (2023, June 8). Embracing equality, diversity and inclusion in the workplace. <https://www.morganmckinley.com/ca/article/embracing-equality-diversity-and-inclusion-in-workplace>

Increased creativity and innovation.¹¹ Organizations that encourage and support workplace inclusion are better able to attract and retain top talent from diverse backgrounds, communities, and identities. This increases the diversity of perspectives, approaches, knowledge, and skills within the organization, which can then boost the organization’s creativity, innovation, and overall success.

3. Methodology

3.1 Equity Audit framework

In conducting this 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 Equity Audit as well as the general approach to be taken by employers.¹² The framework identifies how important it is 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 Ontario Human Rights Code, Occupational Health and Safety Act, and Accessibility for Ontarians with Disabilities Act
- **Consistency**—To ensure that policies and accompanying procedures are applied in a consistent manner throughout the organization
- **Job relatedness**—To ensure that each policy or practice clearly demonstrates a bona fide occupational requirement, is objective, and constitutes a business necessity

¹¹ See for example:

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

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. <https://www.hcamag.com/au/news/opinion-and-best-practice/how-a-diverse-workforce-can-be-your-competitive-advantage/151865>

¹² Canadian Human Rights Commission. (2002). Employment systems review: Guide to the audit process. https://publications.gc.ca/collections/collection_2007/chrc-ccdp/HR4-3-2002E.pdf

- **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 toward all employees, including those who identify as Indigenous or as members of the equity-seeking groups.

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

3.2 The employment systems reviewed

The following employment systems were reviewed through this process:

- **Recruitment, hiring, and selection**, 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 opportunities, and the vice principal and principal promotion process
- **Accommodation and workplace accessibility**, including accommodation for persons with disabilities, religious accommodation, and work/life balance, and
- **Organizational culture and work environment**, including equity policies and programs; workplace harassment, discrimination, and violence prevention policies and programs; and individual attitudes toward equity and diversity.

3.3 Data collection methods

Document review

Employment 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, 15 files for competitions held in 2022–2023 were randomly selected and reviewed to determine whether staffing policies and practices are being applied in a fair and consistent manner. These files were also reviewed to assess the extent to which LKDSB engages in best practices for bias-free hiring and to diversify its workforce. The files reviewed include competitions for instructional as well as non-instructional staff.

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

- Job description and job ad
- Selection criteria
- Interview questions and candidate responses
- Reference check information
- Names of interview panel members and reports
- Interview schedule
- Rating and ranking materials, and
- Sufficient information to explain the assessment of each applicant, including screening, rating, and ranking steps.

Consultations with employees

An essential component of an 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 are 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 Equity Audit.

Employees provided their input through focus groups and an online survey, while senior leaders, Human Resources staff, and bargaining unit representatives provided their input through one-on-one interviews.

Over 650 people participated in the consultations for this Equity Audit: 584 people completed the online survey; 76 participated in the focus groups; and 13 senior and union leaders provided feedback through the one-on-one interviews. Participants in these consultations represent 20% of the LKDSB's approximately 3,300 employees.

While this level of participation gave us sufficient data to identify workplace issues and make recommendations for change, it does not allow us to identify all issues in all work locations of such a large, geographically dispersed organization.

Focus groups: A total of 76 people registered to participate in the focus groups, held from May 16 to 30, 2023.

Focus groups were set up by identity group, with separate focus groups arranged for those who identify as Indigenous, racialized, living with a disability, 2SLGBTQ+, White women, and White men.

Separate focus groups were also held for staff as well as managers and school administrators. Two focus groups were also held for each identity group (one during the day and one in the evening), giving all participants the option of registering for the time that best suited them.

The Board distributed emails to employees asking them to register directly with the consultant to participate in the focus groups.

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

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

Workplace Equity and Inclusion Survey: The link to the online survey was distributed to all employees by email. The survey was open from April 17 to May 22, 2023. Emails were sent by the Board to all employees to invite them to share their perspectives through the anonymous online survey. At the end of the survey, respondents were asked for their permission to use their quotes in this report. These quotes are edited to remove any identifying information and for brevity.

In total, 584 employees completed the survey by the cut-off date.

Unions: In addition, emails were sent to the unions, federations, and associations inviting them to participate in one-on-one telephone interviews to share their perspectives on issues of equity. Four union presidents participated in these interviews.

Senior leaders: Senior leaders also participated in one-on-one interviews to further explore workplace equity, diversity, and inclusion issues and to identify the key challenges the organization will face in implementing the recommendations from this review. Nine superintendents, the Director of Education, and centrally assigned equity staff participated in these interviews.

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

4. Limitations and Constraints

While we have conducted a thorough review of the LKDSB's employment systems this review does not purport to be a comprehensive review of all the employment practices used by the dozens of school administrators and managers responsible for hiring and supervising staff throughout each of the Board's workplaces.

The consultants also did not review the hiring methods and management practices employed by each manager and supervisor in the LKDSB or the work environment of each of the dozens of workplace throughout the Board. Rather, the findings refer to the system as a whole and use employees' comments as indicators of issues that need to be addressed at the corporate level.

PART B: THE CONTEXT

5. The Organizational Context

5.1 The organization

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

The LKDSB serves rural and urban communities throughout eastern Ontario through 60 elementary schools, 12 secondary schools, and two adult and continuing education centres. The Board employs approximately 3,300 teaching and support staff, serving 21,600 students. The LKDSB serves Indigenous students living in three local First Nations communities as well as First Nation, Métis, and Inuit students living in the broader LKDSB community. LKDSB also serves students of all abilities representing diverse racial, ethnic, and religious groups as well as diverse sexual and gender identities.

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

5.2 Ontario's Education Equity Action Plan

In September 2017, the Ministry of Education launched Ontario's Education Equity Action Plan¹³ to comprehensively address systemic barriers in Ontario's education system. The action plan, which is being implemented by the Education Equity Secretariat in partnership with school boards and education partners, addresses

¹³ Ministry of Education. (2017). Ontario's education equity action plan. <https://www.ontario.ca/page/ontarios-education-equity-action-plan>

inequities in four areas: school and classroom practices; leadership, governance, and human resources practices; data collection, integration, and reporting; and organizational culture change.

5.3 Staff census

In 2022, the LKDSB conducted a voluntary, anonymous, and confidential employee census to understand the makeup of its workforce, inform decision making, and foster workplace inclusion and equity. Key findings from the census include the following:

- 2% of survey respondents identified as Indigenous
- 74% of respondents identified as female, 23% as male, and 0.4% as gender diverse
- 3% of respondents identified as 2SLGBTQ+
- 3% identified as racialized
- 7% of respondents identified as living with a disability, with the top three disabilities being chronic health condition, diagnosed mental health disability, and physical disability or health condition.

PART C: FINDINGS & RECOMMENDATIONS

6. Employee Perspectives

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

In addition, an organization's approach to workplace equity, diversity, and inclusion can help increase employees' understanding of inequities and improve the success of programs designed to address the historical disadvantages faced by Indigenous peoples and members of the equity-seeking groups. Poorly articulated and implemented programs can undermine these groups by fuelling resistance to employment equity programs and breeding resentment toward the groups that experience inequities in the workplace.

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

The Canadian Human Rights Commission has identified the examination of attitudes and behaviours within an organization as a key component of an 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.¹⁴

¹⁴ 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.¹⁵ Unhealthy workplaces also negatively affect the mental health of employees,¹⁶ which has contributed to mental health becoming the leading cause of short- and long-term disability absences.¹⁷

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 650 people participated in the consultations for this Equity Audit: 584 people completed the online survey; 76 participated in focus groups; and 13 senior and union leaders participated in one-on-one interviews. Participants in these consultations represent 20% of the LKDSB's approximately 3,300 employees.

¹⁵ See for example:

Mirza, B. (2019, September 25). Toxic workplace cultures hurt workers and company profits. Society for Human Resource Management. <https://www.shrm.org/resourcesandtools/hr-topics/employee-relations/pages/toxic-workplace-culture-report.aspx>

Sull, D., Sull, C., & Zweig, B. (2022, January 11). Toxic culture is driving the great resignation. MIT Sloan Management Review. <https://sloanreview.mit.edu/article/toxic-culture-is-driving-the-great-resignation/>

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/>

¹⁶ Bushard, B., & Hart, R. (2022, October 20). Toxic workplaces could damage mental health, Surgeon General warns. Forbes. <https://www.forbes.com/sites/brianbushard/2022/10/20/toxic-workplaces-could-damage-mental-health-surgeon-general-warns/>

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

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

In the following sections, bar graphs are used to illustrate the data that was collected through the online survey. Employee responses are broken down by identity group in order to explore the different perceptions and experiences of members of the following groups: Indigenous peoples (7 survey respondents); racialized people (11); persons with disabilities (41); 2SLGBTQ+ employees (33); White women (327); and White men (76). Note that the number of Indigenous and racialized survey respondents was too low to include their responses on the graphs.

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 agree, agree, disagree, or strongly disagree. They were also able to indicate whether they don't know or the question was not applicable. To simplify the graphs and allow for ease of analysis, the graphs compile the proportion of employees who indicated that they agree or strongly agree with the question.

Following each graph, we explore the themes identified through our conversations with employees in the focus groups and interviews as well through the 127 pages of experiences, information, and perspectives shared by employees through the online survey.

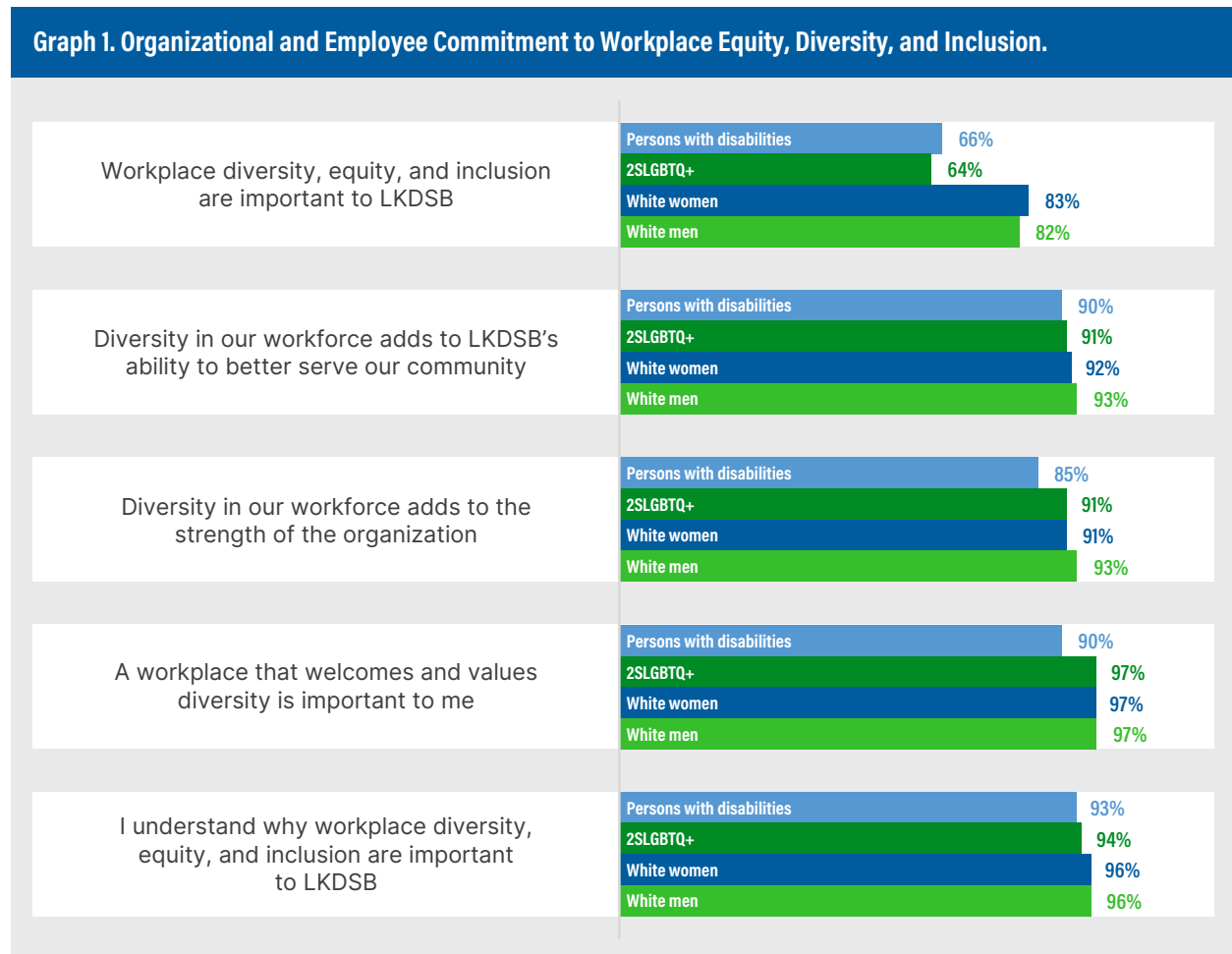
While these perspectives provide insight into the overall experience of employees, it does not fully describe every workplace and work team in the organization. We therefore recognize that through the online survey, many employees reported that they have experienced fair treatment from the organization and the person they report to.

6.1 Attitudes and corporate culture

Individual attitudes and corporate culture have an impact on the job performance, skill development, well-being, and retention of Indigenous employees and employees from the equity-seeking groups. While some behaviours may not be deemed harassment or discrimination as defined by the Ontario Human Rights Code, they can nonetheless have a significant impact on the work environment. For example, negative attitudes toward equity and diversity, even when expressed out of ignorance, can affect the work environment 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 workplace equity, diversity, and inclusion efforts have been derailed because they fail to consider the organization's readiness for change, undertake too rapid a pace of change, and undertake initiatives without first ensuring the needed understanding and buy-in from people leaders and employees.

Implementing equity, diversity, and inclusion 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 Board’s commitment to workplace equity, diversity, and inclusion.

As Graph 1 shows, the vast majority of each group agreed that workplace equity, diversity, and inclusion are important at the LKDSB; that diversity in the workforce adds to the Board’s ability to better serve a diverse community; that workforce diversity adds to the strength of the organization; that a workplace that welcomes and values diversity is important to them; and that they understand why workplace equity, diversity, and inclusion are important to the LKDSB. However, not all groups agreed equally with these statements; notable is that only 66% of survey respondents who identified as persons with disabilities and 64% of those who identified as 2SLGBTQ+ agreed that workplace equity, diversity, and inclusion is important to the LKDSB.

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

Positives

Many of the employees with whom we spoke identified a number of positive aspects to working at the LKDSB, including:

- Being able to work in a small school board, in small towns, and in small schools where they are able to get to know their colleagues and students, and they are able to work collaboratively with colleagues and community
- Being able to contribute to the community they live in, which for many is the community in which they grew up
- Working with passionate and committed colleagues and in supportive and tight-knit staff teams, and
- Opportunities for new challenges, projects, and advancement.

Challenges

In addition, many of those with whom we spoke identified a number of the challenges they experience in working at the Board. These included challenges experienced by teachers and school boards across the province, as well as some issues unique to smaller school boards and to the LKDSB. These include the following:

- Challenges finding good work/life balance
- The conservative nature of the community and the school board
- Lack of resources for small schools
- Lack of supports for students
- Challenging student behaviours
- Distance between schools; isolated location of some schools, and
- Difficulty attracting people to smaller towns, and therefore the school board is more likely to hire people who have grown up in the local community.

In addition, Indigenous and racialized employees also noted that while working in small communities is a positive, they are perpetually seen as outsiders and are not always welcomed in the community or within all LKDSB work environments.

Another theme that arose from the consultations is the perspective that the Board does not listen to its employees and that employees feel disrespected because of it. In addition, they shared that decisions are made without consulting employees and that the Board could do more to hear from and engage with employees.

Listen to their staff!!!! Instead of just shrugging us off as [if] we are beneath them because we have a lower position/pay than them.

How about listen to what people are saying and providing support to the lower levels instead of adding more top-end staff. Need to focus on staff morale, it's terrible and nobody cares.

In the consultations, employees were also asked what more the LKDSB could do to create a more inclusive and welcoming work environment. While some employees shared that the LKDSB is doing a good job with respect to equity, diversity, and inclusion, some also identified that there is more the Board could be doing to advance equity and create a more inclusive and welcoming work environment. These themes are discussed next.

The Board is doing a good job

Some employees recognized the Board for the equity work it is undertaking. They shared their belief that the LKDSB was doing a good job at fostering inclusion and a welcoming environment, which contributes to a safe and inclusive learning environment for students.

They acknowledged that the Board has made investments in addressing Indigenous issues and issues of equity within the Board. In addition, some staff acknowledged those in senior leadership positions who are championing equity work.

Employees appreciated the opportunity to hear from guest speakers who helped them learn about different cultures and worldviews.

As they noted:

I think [the Board] does pretty well. Love when we get to bring in speakers of different cultures and beliefs.

I'm happy with the way LKDSB creates an inclusive and welcoming environment.

I am a fairly new employee of LKDSB . . . and find that when I'm working at various schools, I am most often made to feel welcome and included in the school environment.

We are doing a great job focusing on these terms and exemplifying the importance of them to our students.

Leadership words and actions inconsistent with equity, diversity, and inclusion

There were also employees who shared that the Board's commitment to equity is performative, and that the current equity efforts have made little real change within the organization. In particular, some pointed to the behaviours of senior leaders, which they feel are not consistent with the Board's commitment to equity. They also felt that senior leaders do not demonstrate the support for equity and leadership needed to create change at the Board. They shared that equity needs to be central to all that senior leaders do if the culture of the Board is to change.

Resistance to equity

Employees shared their concern about the open resistance to equity work among staff and the community. They felt that in the past few years, people have been emboldened to be more vocal about their resistance to equity. As a result, employees shared that they are experiencing more instances of resistance and a greater intensity of that resistance. Some shared that this resistance to equity from staff and community, coupled with the lack of diversity in the community, contributes to the difficulty the Board experiences in attracting and retaining Indigenous staff and staff from the equity-seeking groups.

In the consultations, employees shared their experiences of hearing their colleagues openly express their lack of support for the Board's equity efforts. As one person commented:

In the staff room there is occasional grumbling about how diversity is being pushed at the expense of curriculum or professional development, i.e., "no money for photocopy paper/they don't hire enough EAs/there is no money for release time for PD but there is money for all these endless programs surveys about diversity and equity and inclusion." I'm not sure how that perception will change and I'm not sure their views will change but I am hopeful that as newer teachers become employed by the LKDSB they will be more open to diversity, equity and inclusion.

In the consultations, we also heard directly from a number of employees who were not supportive of the Board's equity efforts and who shared that this work is unnecessary and wasteful. Some commented that the focus on issues of equity and diversity is actually the source of divisions in the workplace and that equity, diversity, and inclusion is "getting out of hand" and is being "pushed down our throats". Some teachers disclosed that they are so unsupportive of the Board's equity efforts,

particularly as it relates to students and the curriculum, that they have transferred their children out of the public school system. As a number of employees commented:

Stay focused on the work not this diversity. We as Canadians treat others respectfully. Hiring a group to discuss this is a waste of your time and my dollars. Shut it down. I am sick of this diversity and inclusion AGENDA.

Diversity, equity, and inclusion are getting out of hand. Everything we do must be Indigenous focused and creates animosity amongst non-native students. It seems everything is focused around the Indigenous. I'm not sure how much more we can learn or hear before students and staff start tuning it all out.

It is evident that the LKDSB needs to do more to not only advance equity at the Board, but also to change the mindsets of employees and the experiences of Indigenous employees and employees from the equity-seeking groups.

Recommendation 1: It is recommended that the LKDSB use the findings from this report and the Workforce Census to develop an Employment Equity Strategy that will diversify the workforce, embed equity throughout all Board policies and practices, foster more welcoming and inclusive work environments, and ensure that employees receive accommodation and accessibility in compliance with the Ontario Human Rights Code.

Recommendation 2: It is recommended that the Board share this report and the resulting Employment Equity Strategy with employees and members of the school community and that it provides regular updates on implementation to better support employee understanding of the need and rationale for the Board's workplace equity, diversity, and inclusion efforts.

Recommendation 3: It is recommended that the LKDSB develop a multifaceted communications/learning strategy—which may include newsletters, lunch and learns, book clubs, podcasts, and other informal methods of promoting knowledge, resources, and tools, among others—with the goal of:

- Increasing employee understanding of workplace equity, diversity, and inclusion
- Developing the competence and confidence of employees, particularly those in leadership positions, to support the implementation of the Employment Equity Strategy
- Defining key terms and concepts, and
- Developing and communicating a business case for workplace equity, diversity, and inclusion that connects this work to student success.

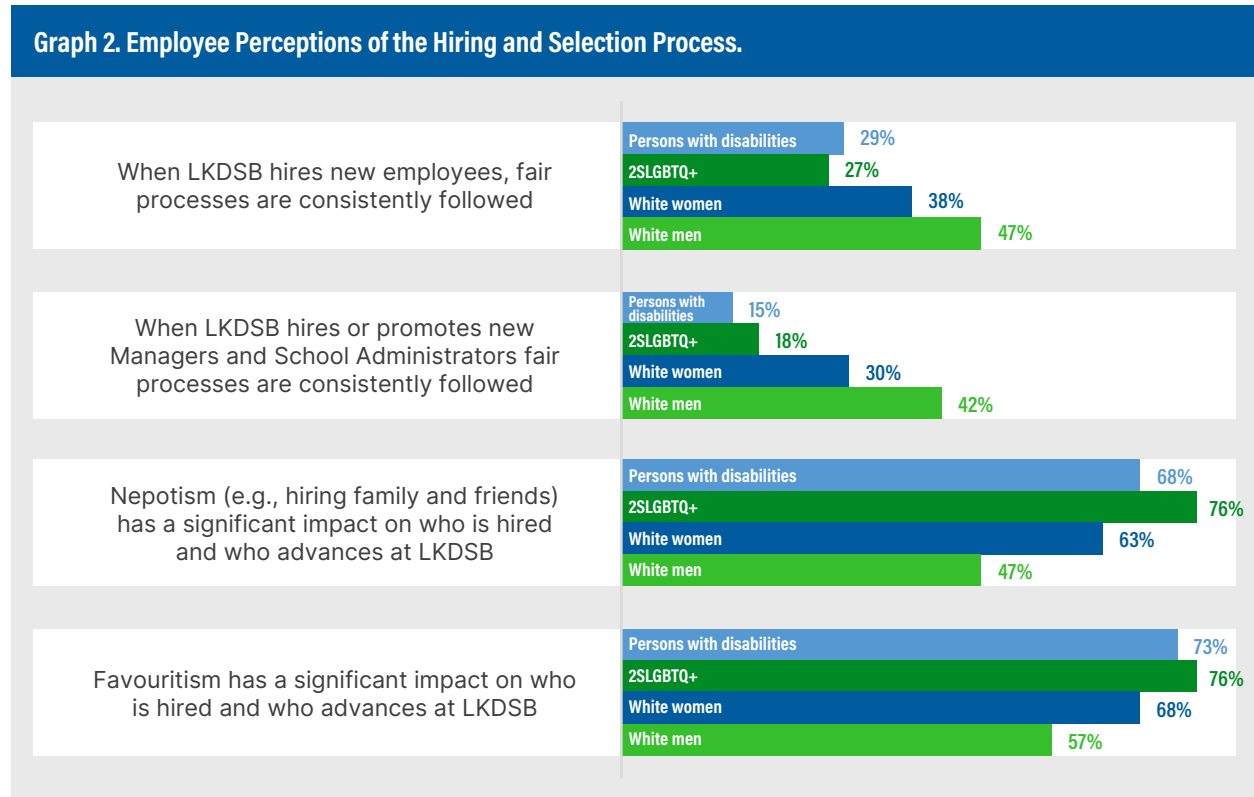
Recommendation 4: It is recommended that issues of equity and human rights be embedded into all other training provided to employees and leaders so that they can see its connection to all the work that they do, and that the connection of equity and human rights to student success be continuously reinforced.

Recommendation 5: It is recommended that the LKDSB regularly conduct employee engagement surveys, with shorter and more frequent pulse surveys, to better understand the experiences and perceptions of employees so that the Board can better address issues and concerns.

Recommendation 6: It is recommended that the Board conduct another Staff Census and Equity Audit in 5 years to assess progress and develop a new Employment Equity Strategy.

6.2 Perceptions of the hiring and selection process

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



Those who completed the survey expressed a lack of confidence in the LKDSB to hire or promote based on fair and consistent processes. As Graph 2 shows, fewer than half of each of the four groups agreed that when the Board hires new employees, fair processes are consistently followed. While each group had low confidence in the hiring and promotion process, persons with disabilities, 2SLGBTQ+ individuals, and White women were less positive than White men.

White men were more likely to agree that fair hiring and promotion process are consistently followed. Persons with disabilities and 2SLGBTQ+ employees were the most likely to agree that nepotism and favouritism has a significant impact on who is hired and who advances at the LKDSB. White men were least likely to agree that nepotism and favouritism have a significant impact on who is hired and who advances at the LKDSB.

When employees were asked about their perceptions of the hiring and promotion process, the following themes emerged from survey respondents' comments.

Nepotism and favouritism

Throughout the online survey and focus groups, employees from all identities shared their perception of the impact that nepotism and favouritism have on hiring and advancement at the LKDSB.

Some felt that nepotism and favouritism was so embedded within the culture of the Board that these employees believe “that’s what our Board is known for.” They shared that because the Board is smaller in size it is easier for these relationships to become known by staff and by those in the community. Some shared that they believe that having been a student at the LKDSB and/or familial and persons relationships had a positive impact on their ability to secure a position at the Board. In addition, some shared stories of others being hired because of relatives at the Board, and that it is not uncommon to be working alongside the child of a senior leader.

As those who participated in the consultations commented:

Hiring practices are not transparent and regularly result in positions going to the relatives of upper management.

I think nepotism is a significant issue in the hiring process at LKDSB. I believe there are a few people in positions of power for hiring that have unfair hiring practises and favour some over others. If those individuals who have hiring power decide that they don’t like someone, they are blacklisted and will never be hired permanently.

Nepotism has been an ongoing issue in LKDSB. Applicants are often passed over and others are chosen, even when they do not have the correct qualifications. Teachers are often blacklisted and not given feedback as to why they are not being hired. Applicants are chosen and placed sometimes before a job posting even closes.

Some acknowledged that nepotism has changed somewhat over the years, as is not as blatant as it has been in past years. Instead, they feel that the hiring process is manipulated in order to ensure that the desired candidate is hired. As one person described:

Here’s how the board currently does nepotism: they post a job specifically for a person’s qualifications. Instead of saying we want this person for the job, they find a way to post the job that matches that person.

They also shared that it is much more prevalent with occasional and temporary positions, which then puts these individuals at an advantage when there is a vacancy

for a permanent position. Some shared that they have been told to get to know and impress specific individuals if they want a permanent position.

Some employees also shared that nepotism and favouritism also impact who is supported to advance. As such, they feel that the focus is on building relationships rather than skills and knowledge in order to advance at the LKDSB. This practice disadvantages Indigenous employees and those from the equity-seeking groups, who may not be in the same social circles or who may be excluded from networks within the Board.

In addition, some employees also shared that the impact of nepotism goes beyond who is hired and who advances at the LKDSB. They shared that the inappropriate behaviours of those who have personal connections to senior leaders are not addressed. Employees feel that these individuals are instead “protected” and moved from school to school, and their inappropriate behaviours allowed to continue.

Others shared that through their personal relationship with someone at the Board, they were able to better understand and navigate the hiring and advancement process. While they shared that they had exclusive access to individuals, they didn't feel that it was nepotism or favouritism, or that this access gave them an unfair advantage.

The hiring process is unfair

Beyond the impact of nepotism and favouritism, employees also shared their perception that the hiring process at the LKDSB is unfair. Some shared that the hiring process is particularly difficult to navigate and creates barriers to the hiring of those without established contacts within the Board who can help a job applicant navigate the process. Others shared their perception that the successful candidate is already selected and that the interview process is simply a formality to give the appearance of a fair and competitive hiring process.

In addition, some shared that there is an expectation that they take on a lot of extra volunteer roles and coaching at the school if they want an occasional or permanent teaching position. This becomes a barrier for those who do not have skills or time to take on these additional responsibilities.

The LKDSB's practices have long been known by most employees to be biased. There have been emails accidentally sent outlining how they already have people lined up for jobs when the postings haven't even closed. Everyone knows the interview process is usually just for show.

The system in place is twisted to suit whatever the current desire of the Board is. It is neither fair nor consistent.

Hire diverse staff

Many participants from all identity groups expressed a desire for the Board to hire more Indigenous staff and staff from diverse backgrounds. They wanted to see the diversity of the student body reflected more directly in the composition of staff in schools and felt that the Board is short-changing its students owing to this lack of diversity.

As they commented:

We have some pretty glaring gaps in representation.

Employ a wider variety of visible minorities at LKDSB.

We can hire more teachers with diverse backgrounds.

Actively recruit a more diverse work force in all levels of the LKDSB.

Some connected the diversity of Board employees with student success and also the interest of students in pursuing teaching as a profession. Some staff shared that the negative experiences of many Indigenous students and students from the equity-seeking groups mean that they may choose not to come back to LKDSB to work as teachers.

Hire the best candidates for the job

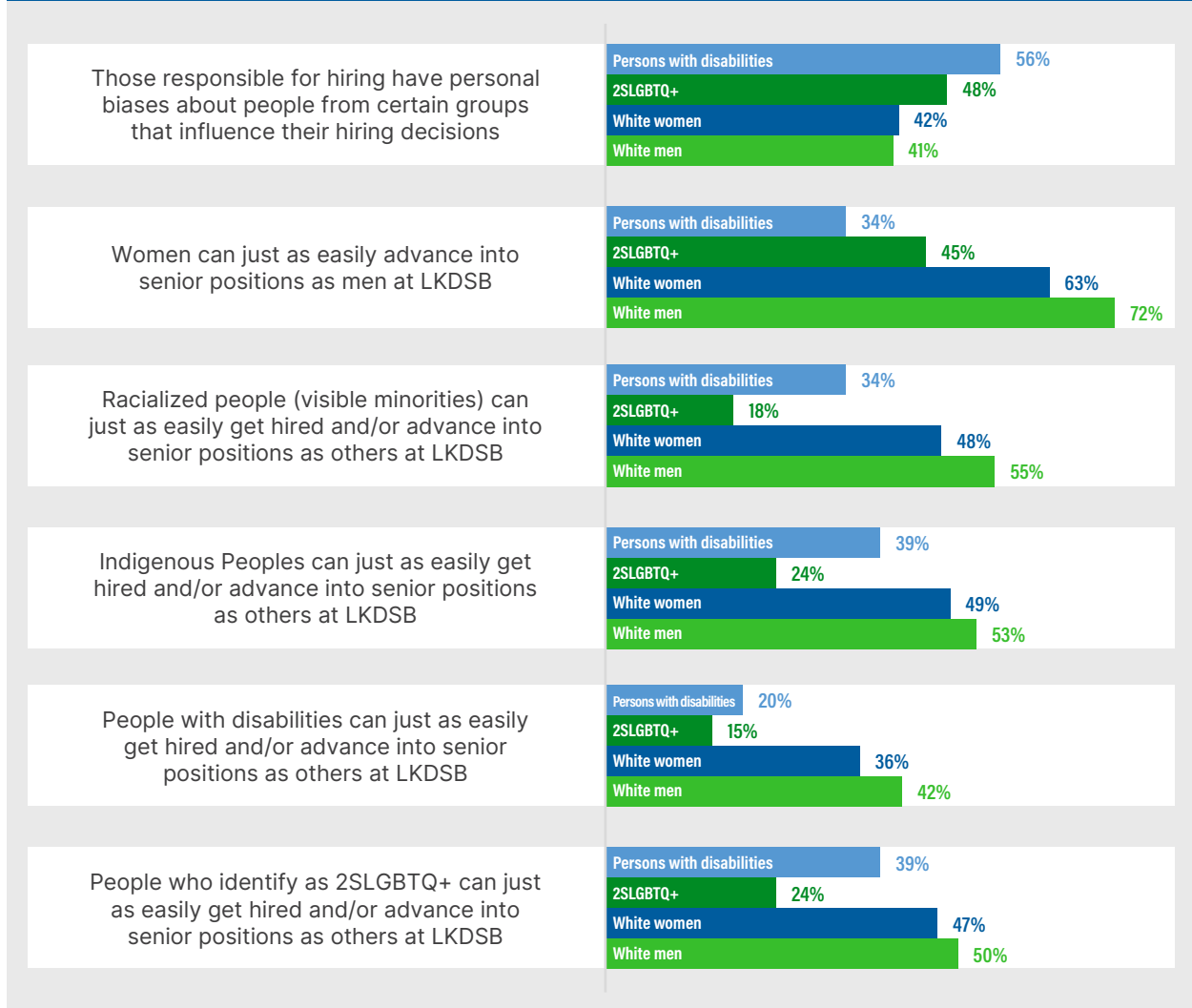
Despite the gaps in representation within the Board, there were some consultation participants who were critical of the Board's equity efforts and expressed concern that the focus has shifted to hiring teachers and other staff based on their identity rather than their qualifications. As they mentioned:

The best person for the job should be hired for that job. It shouldn't depend upon a quota system. If the person happens to be LGBTQ . . . great. If the person is of colour . . . great. If the person is a white male . . . great.

I strongly believe that the best candidate for the job should get the job regardless of their race, sexual expression, sexual orientation, or sex, period.

The survey also asked employees about the impact of bias in the hiring and selection process.

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



As Graph 3 shows, persons with disabilities and 2SLGBTQ+ survey respondents were more likely to agree that those responsible for hiring have personal biases about people from certain groups that influence their hiring decisions. Fewer than half of the White women and White men that responded to the survey agreed with this statement.

The survey also asked LKDSB employees whether they felt that various groups can just as easily get hired and/or advance into senior positions as others at the Board. White men were the most likely to agree that Indigenous peoples and members of the equity-seeking groups do not face barriers to hiring and advancement.

When asked whether there are other groups that experience discrimination or are disadvantaged in the hiring and promotion process, employees identified that employees experience discrimination based on their age. In particular, they shared

that older workers experience discrimination in hiring and advancement. As they commented:

I've had the experience of the principal coming out with a look of absolute bewilderment when someone older applies for a job when they were retiring in a year.

Those high on the grid experience discrimination; those who would command a high rate of pay out of the gate and who are over 45 or 50 years of age.

In the case of teachers, there is a definite discrimination against older teachers. Because there is no seniority provision in requesting transfers, teachers with little to no experience can more easily attain positions (surplus teachers) over a teacher with seniority. This is a blatant example of ageism within the LKDSB.

6.3 Accommodation

The Ontario Human Rights Code and the Accessibility for Ontarians with Disabilities Act (AODA) 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 ground, it is most frequently requested on the basis of disability, religion, family status, sex (related to pregnancy and breastfeeding/ chestfeeding), age (related to disability), and gender identity.

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

6.3.a Accessibility and accommodation for persons with disabilities

The Ontario Human Rights Code prohibits discrimination on the basis of disability and requires that employers provide accessible workplaces. In addition, both the Code and the AODA require employers to provide accommodation for persons with disabilities to enable them to fully engage in their work and in the workplace. Failure to provide equal access to a facility or equal treatment in employment could violate the AODA and be considered discrimination based on disability under the Code.

Accessibility and accommodation are fundamental 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 workplace.

The Workplace Equity and Inclusion Survey asked employees about accommodations for persons with disabilities. Graph 4 shows employee responses to these questions.



As Graph 4 shows, whether an employee would ask for accommodation for a disability varies by identity. Persons with disabilities—the employee group most in need of and most likely to have requested accommodation—were the least positive about requesting accommodation.

Far fewer proportions of each group agreed that if they had a mental health disability and needed accommodation, that they would not hesitate to ask for it. Again, the smallest proportions of employees who agreed that they would not hesitate to seek accommodation for a mental health disability were persons with disabilities (24%) and 2SLGBTQ+ employees (27%).

While two-thirds or more of White women and White men employees agreed that they would not hesitate to request accommodation if they had a physical disability that was not evident, only 41% of persons with disabilities and 58% of 2SLGBTQ+ employees agreed.

Employees were also asked to share their experiences requesting and receiving accommodation. Of the 528 survey respondents who answered this question, 114 indicated that they have experience with requesting accommodation and 71 of them

commented on their experience. While a number shared very positive experiences, the majority of comments from employees were negative experiences of requesting and receiving accommodation.

Supportive provision of accommodations

A number of employees shared that they received the supports they needed to be accommodated appropriately. They shared that when they were in need, the person they report to showed care and respect in making the necessary adjustments. They found the process to be straightforward and that the staff involved easily facilitated their requests. Respondents stated that their experiences left them feeling happy and grateful for the understanding of their superiors and colleagues.

As they mentioned:

Always treated fairly.

My supervisors have been kind and understanding.

For me it was due to an injury received while away from work. The process was smooth and easy.

I received great support from colleagues, the principal, and vice principal when I need help for a health concern and a personal crisis. I will always be grateful for their help.

I had a good experience. I was having surgery and as soon as I knew the date, I gave my paperwork to my boss and HR. Everyone was great to me. Thank you.

Accommodation request denied / Poor accommodation experience

Survey respondents shared their experiences of asking for accommodations and having their requests denied. These occurrences led respondents to characterize their experiences as negative. They shared that they were forced to find alternative ways to meet their accommodation needs.

Some employees described their experience of requesting and receiving accommodation as “awful” and “humiliating,” with some sharing that they were “treated with disdain.”

Some also shared that when they were able to be informally accommodated by their principal, the process went well. It was when their request had to go beyond the principal’s involvement that they felt that the process got more complex and bureaucratic. Some felt that this resulted in their being forced to take disability leave or lengthier absences than originally needed.

Some also shared that they have taken sick leave because they have not received the needed accommodations, that their accommodation does not follow them to a new role, and that access to accommodation is dependent on who one reports to.

As employees shared:

There were no accommodations given. I instead went off on a sick leave based on my doctor's opinion due to lack of concern from the board.

I do have a learning disability, and when I've asked for accommodations, nothing has been followed through with. My principal has tried in the past as well.

I requested software to assist with my disabilities and was immediately denied.

Lack of accommodation for mental health issues

Employees suggested that while the Board puts rightful emphasis on the mental health of students, it does not put similar care into the mental health needs of staff, which indirectly impacts student mental health. In particular, employees shared that there needs to be a way to take sick days or mental health days without fear of being reprimanded. For example:

It's mind-boggling to think that this board (who likes to brag about how important mental health is) makes its employees feel awful and damages their mental health intentionally with their attendance policies.

They stand on their soap box and demand proper support for students and their families, but have a total disregard for their employees and their mental health needs. Employees are receiving reprimands for needing mental health days.

The board makes it difficult to feel supported when staff are told not to mention that they need a "mental health day." An attendance program is in place even if you take your allotted sick days in a year as per our contracts. This added stress to staff and does not make them feel supported to take the time off they need to do their job. When you need an accommodation it isn't an ask . . . it requires a doctor's note. It isn't a conversation about how best to meet staff needs.

We are instructed to create safe spaces and be sensitive to the mental health of our students, but are also subjected to the ASP and have doctors note challenged/refuted by the board. If we want to destigmatize mental health for our students, we should destigmatize mental health for our teachers as well; we shouldn't feel pressured against taking a mental health day when we need it.

Attendance Support Program

A number of employees raised concerns about the Attendance Support Program (ASP). They shared that they have been put into the program for taking time off for valid reasons, such as to get a doctor's note, attend to a sick child, for a sick day, or for a mental health day. They described the program as not being supportive, but instead as punitive and stressful, and they felt that it has created a culture of fear for those who need to take time off. Some also described that the accommodation and return to work process was so difficult that they returned to work earlier than recommended by their surgeon because of the fear of being in the ASP.

As they stated:

Get to know your staff and their needs. Instead of putting them on attendance program due to maternity concerns and then making them pay for multiple doctor notes, perhaps show some kindness and respect to someone growing a human while also trying to teach students with inadequate supports within the classroom.

As a mother in a job that is the same schedule as my children who go to school and become ill as all children in school, we NEED the time to stay home with our sick kids and not be put on an attendance program.

The current Staff Attendance Program does not provide support for those who are trying to balance well-being and work. Staff are discouraged from taking time off when it is needed to support family members by refusing paid leaves in a seemingly arbitrary manner.

The Attendance Support Program is incredibly ableist. It . . . discriminates against people with chronic illnesses.

I believe the attendance support plan is in direct opposition to providing accommodations in the workplace. I am not in or near being in the plan but I am embarrassed our board would implement something that discriminates against people, especially those struggling with mental health.

Fear of requesting accommodation

Some employees also shared that while their doctor has identified the need for accommodation, they are fearful of requesting the needed accommodation because they know that receiving accommodation is a difficult process.

Requests for, and denial of, doctor's note

In addition, a number of employees also shared that they were asked for a doctor's note to justify their need for accommodation. Some shared that even with that

medical documentation, their request for accommodation was denied. Employees shared that they have had numerous doctor's notes denied for serious illnesses—notes they had to pay for and take time off work to obtain.

The Ontario Human Rights Commission cautions organizations with respect to the accommodation process.¹⁸ Specifically, its documents state:

- Policies regarding doctor's notes must be reasonable and take into account that an employee may not be able to see a doctor immediately
- If requests for doctor's notes are not necessary, are imposed differently depending on the type of disability, or prolong the employee's absence, these requests may be viewed as discriminatory¹⁹
- Organizations are not expected to diagnose illness or "second-guess" the health status of a person with a disability. An accommodation provider is not entitled to substitute its own opinion for that of medical documentation provided by a doctor.²⁰ However, employers can seek another medical opinion if they have reasonable basis to question the adequacy and reliability of the information the employee provides.²¹
- The employer should bear the cost of any required medical information or documentation, including doctors' notes, assessments, and letters setting out accommodation needs, and
- While the employer is entitled to get all the information needed to make the accommodation, it must also accept accommodation requests in good faith.²²

Given that some employees shared that Board practice may conflict with guidance from the Ontario Human Rights Commission, additional guidance for all staff involved in the accommodation process would be beneficial.

¹⁸ Ontario Human Rights Commission. (2016). 8. Duty to accommodate. In Policy on ableism and discrimination based on disability. <https://www.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability/8-duty-accommodate>

¹⁹ Ontario Human Rights Commission. (2008). 9. More about disability-related accommodation. In Human rights at work 2008 (3rd ed.). <https://www.ohrc.on.ca/en/iv-human-rights-issues-all-stages-employment/9-more-about-disability-related-accommodation>

²⁰ See Duliunas, supra note 44; Devoe, supra note 12; and, Eagleson, supra note 12.

²¹ Samfiru Tumarkin LLP. (2022, July 29). Sick notes in Ontario: Rights for employees. <https://stlawyers.ca/blog-news/sick-notes-ontario-rights-for-employees/>

²² Ontario Human Rights Commission. (2008). 9. More about disability-related accommodation. In Human rights at work 2008 (3rd ed.). <https://www.ohrc.on.ca/en/iv-human-rights-issues-all-stages-employment/9-more-about-disability-related-accommodation>

Board contacting medical staff

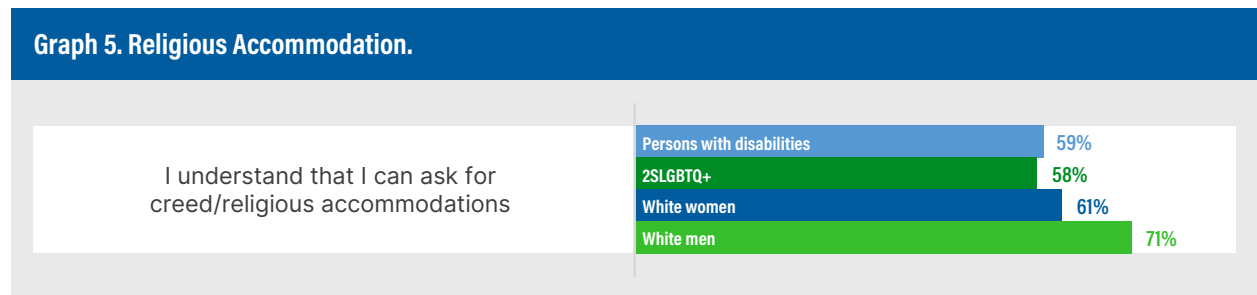
One employee shared that after they became disabled through a serious accident, the Board determined that their doctor’s note was not sufficient to provide them with accommodation. The employee shared that in the course of discussing the Board’s request for additional medical documentation, a medical professional shared with them that they had been contacted by the Board to verify their absence and were asked to provide confidential medical information about the employee. The medical professional shared that these requests were routinely made by the Board, so much so that medical staff have been reminded not to disclose patient information to Board staff.

While an employer is able to request reasonable information in order to accommodate the employee, Board policies note that staff are not to contact medical professionals to request medical information.

6.3.b Religious and spiritual accommodation

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

The Workplace Equity and Inclusion Survey asked employees whether they would request an accommodation based on creed/religion if they had such a need.



As Graph 5 shows, the majority of all four groups agreed with this statement. However, a smaller proportion of persons with disabilities, 2SLGBTQ+ individuals, and White women reported that they understand that they can ask for creed/religious accommodations.

Few people commented on their experience requesting and receiving religious accommodation, with some sharing positive and some sharing negative experiences.

For those who have experienced challenges taking time off for religious observance, they shared the following concerns:

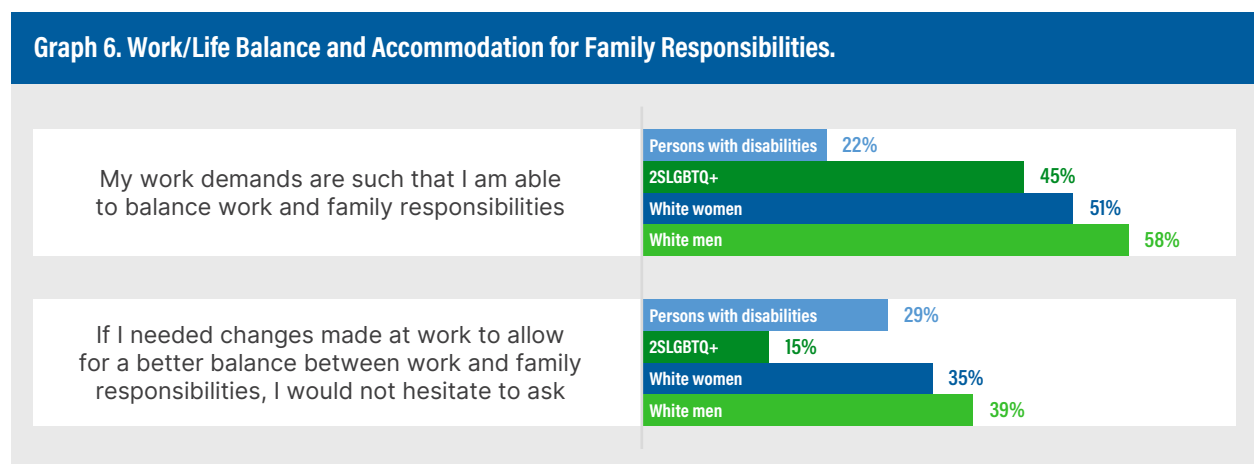
- Requests have been denied outright, denied because the observance was not on the LKDSB’s list of approved holy days, or denied because the observance was inappropriately deemed a cultural day rather than a religious holy day
- Despite the Board’s use of an interfaith calendar when approving days off, this calendar is not shared with staff
- Human Resources staff using a Christian-centric lens when approving time off for non-Christian religions, such as requesting a letter from the “head of the church.” Obtaining a letter from a religious leader is particularly challenging for those who don’t have a place of worship in the region. As such, they have to travel outside of the region to get this documentation. In addition, some faiths may not have a religious leader from whom they can obtain such a letter.

Because of the challenges receiving formal accommodation for religious and spiritual observance, Indigenous employees shared that they make arrangements with the person they report to, rather than going through the formal process with Human Resources.

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

Women continue to have primary responsibilities for child and elder care in Canada. As a result, women continue struggling 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 and could include accommodating the need to care for children as well as parents.



Graph 6 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, just over half of the White women and White men who responded to the survey shared that their work demands are such that they are able to balance work and family responsibilities, compared to less than half of each of the other groups.

Similarly, when asked if they would hesitate to ask for changes at work to better balance work and family responsibilities, White women and White men were the most positive, with only 29% of persons with disabilities and 15% of 2SLGBTQ+ survey respondents agreeing that they would ask for changes.

The online survey also enabled employees to share their experiences with respect to work–life balance and requesting and receiving accommodation for family care responsibilities. Their comments are summarized next.

Lack of work–life balance

There were a number of survey respondents who stated that work–life balance is difficult, if not impossible, to achieve depending on their role. Employees who are teachers and school administrators found it particularly challenging given the workload that has steadily been increasing over the years. The need to work in the evenings means that they have less personal time to rest, recuperate, and prepare for the next day. It also leaves them with limited time for their families and to engage in other activities. As they mentioned:

Spending after school hours to find up-to-date teaching resources makes it extremely difficult to have a work-life balance. With all the after school work we have to begin with, finding resources for all subject areas due to the fact that we have none to support our program is extremely time consuming and unfair.

There is no such thing as work-life balance when you are an educator - the demands keep increasing and we are not given time to meet those demands - especially when most teaching positions within this board are split grades and require more work.

Teaching is a marathon that begins in mid-August and goes until the end of June. I work 6 days a week with an average of 10-12 hours a day. The demands of this job are far-reaching and extend well beyond a typical 8-4 workday. Even working these hours, there is still much more that could be done. Lack of resources provided by the ministry and board play a huge part in this inability to balance life and work in a more equitable way. Teachers spend HOURS hunting down resources and then spend THOUSANDS of dollars of their own money to purchase resources for use in the classroom. HOW IS THIS EQUITABLE?

Difficulty receiving accommodation for family care responsibilities

Despite various provisions for employees to take leave for family care responsibilities, a number of employees noted that they have been denied leave to care for sick or dying family members. A number shared that while they received accommodation for a disability, they were denied accommodation for family care responsibilities.

Domestic violence

A few employees also shared that they have experienced domestic violence and that the Board failed to support them. Instead, they were told that domestic violence is a personal issue and had nothing to do with the Board. These employees shared that they were not given the time off needed to deal with related issues and a safety plan was not created. In one case, the perpetrator was also a Board employee.

In 2009, the Occupational Health and Safety Act was amended to address, among other things, incidents of intimate partner violence that come into the workplace. The Act now states:²³

If an employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace, the employer shall take every precaution reasonable in the circumstances for the protection of the worker.

In addition, since 2017, Board employees have been able to take domestic or sexual violence job-protected leave for up to 10 days, and 15 weeks off in a calendar year, for specific purposes when an employee or an employee's child has experienced or been threatened with domestic or sexual violence. The first 5 days of leave taken in a calendar year are paid, and the rest are unpaid.

As such, it appears that more education of managers, principals, and Human Resources is needed to ensure that the Board is meeting its legal obligations under the law with respect to employees experiencing domestic violence.

Bereavement leave

Some employees also raised their concern that the Board's policies do not support their cultural traditions with respect to bereavement. They shared that their cultural practices may require time off in addition to the time allotted to attend a funeral.

For example, Indigenous employees shared that their ceremonies can last a few days and may depend on the person's role in their community (e.g., firekeeper, cook, etc.). As such, they may need more time off in order to be able to complete their roles and responsibilities as community members. Others shared that they may have a burial

²³ Occupational Health and Safety Act, RSO 1990, c O.1, s 32.0.4. <https://www.ontario.ca/laws/statute/90o01#BK62>

ceremony and then, days later, a final prayer. These individuals shared that the Board lacks an understanding of the cultural traditions of various groups, empathy, and flexibility to enable employees to attend burial ceremonies of family members.

Conclusions and Recommendations

The experiences of employees requesting and receiving accommodation highlight a number of concerns with the knowledge of school leaders and Human Resources staff about their duty to accommodate, and also with the process for accommodation and how employees are treated in the process. The experiences of employees highlight the need for the LKDSB to take the follow actions:

- Educate managers, school leaders, and Human Resources staff about the Board’s legal obligations to provide accommodation based on any Code-protected ground, short of undue hardship, and the principles of accommodation that guide the accommodation process
- Educate employees about their legal right to receive accommodation and the process for doing so, the role of the supervisor and Human Resources in the accommodation process, and an employee’s options should an accommodation request be denied, and
- Educate employees and Human Resources staff about how Human Resources considers information from their doctors and under what conditions additional information may be requested.

In addition, the Ontario Human Rights Code requires that employers accommodate religious observance as well as Indigenous spiritual beliefs and practices. Employees are entitled to receive the same number of paid religious days off as Christians receive for Christmas Day and Good Friday, namely 2 days a year. If they would like additional time off, that time may be unpaid, or the employee can use vacation days, personal days, etc.

It would be helpful for the Board to create and make available to all employees an interfaith calendar. It should identify some of the important days of significance; however, it is important to note that it will not include all days of significance and should not be used to determine creed-based accommodations. The Board is required to accommodate individuals based on personal faith practice. As such, it need not be required by the creed, nor does it need to be consistent with the beliefs or practices of others of the same creed (including creed officials).²⁴ The Ontario Human Rights Commission also states that “It is not appropriate to insist on an expert opinion (for example, from a creed authority) to show that a creed practice or belief is ‘legitimate.’”

²⁴ Ontario Human Rights Commission. (2015). Creed and the duty to accommodate: A checklist for accommodation providers. <https://www.ohrc.on.ca/en/creed-and-duty-accommodate-checklist-accommodation-providers>

A policy and administrative procedures would help all employees understand their legal right to creed-based accommodation and the process for requesting such accommodation.

Recommendation 7: It is recommended that all hiring panels be required to provide constructive feedback to unsuccessful internal candidates, when requested, and that they be provided with the appropriate tools to be able to do so.

Recommendation 8: It is recommended that all those involved in the hiring process (from screening of applications through to interviewing and making the hiring decision) be required to sign a declaration that they have no conflict of interest, including that they have not been influenced by another Board employee to hire someone.

Recommendation 9: It is recommended that the LKDSB move toward a system that allows for the anonymization of resumes, that is, removing the names and addresses of job candidates during the pre-screening process.

Recommendation 10: It is recommended that the LKDSB communicate the myths and misconceptions about employment equity.

Recommendation 11: It is recommended that the LKDSB educate employees about the discrimination (both interpersonal and systemic) that Indigenous peoples and members of the equity-seeking groups experience in the labour market, thus providing the rationale for employment equity programs.

Recommendation 12: It is recommended that the LKDSB keep employees and the community updated about its efforts to create a bias-free hiring process and that it communicate changes to the hiring and promotion process broadly throughout the school community to increase employee confidence in the hiring and selection process.

Recommendation 13: It is recommended that all those involved in the hiring process receive appropriate training and written guidance to support a bias-free hiring process (both in person and virtual), including training on how to identify and minimize unconscious bias.

Recommendation 14: It is recommended that LKDSB staff be reminded that, per Board policy, they are not to contact medical professionals for information related to employee medical conditions.

Recommendation 15: It is recommended that the Board track the outcomes for requests for accommodations, including the following: the nature of the request, when the request was responded to, the amount of information requested from doctors, the number of independent medical examinations conducted, the number of employees on short- and long-term sick leave, and the number and type of accommodations provided. A summary report should be prepared and presented to the Director of Education on a quarterly basis.

Recommendation 16: It is recommended that the Board conduct an annual survey of employees who have requested accommodation and have participated in the Return to Work Program in order to assess their experiences and identify any improvements to the process that may be needed.

Recommendation 17: It is recommended that the Board continue to provide appropriate training and ongoing education for all managers and school leaders about their duty to accommodate employees based on any human rights protected ground, particularly disability, religion, and family responsibilities. This training should also help supervisors understand the range of physical and mental disabilities, both evident and nonevident, for which accommodation may be requested, the types of accommodation that may be provided, and the principles of accommodation. Emphasis should be placed on explaining the Board's legal obligations under the Ontario Human Rights Code, as well as how accommodation helps get the best from employees, so that accommodation is not seen as special treatment provided to some employees. This training should also address the obligation to keep employee information confidential.

Recommendation 18: It is recommended that easily accessible information be shared with employees about their right to accommodation, the process for requesting accommodation, the principles of accommodation, the need for medical information, the type of information that may be required, the timelines, and FAQs to ensure employees have the information needed to fully understand the process. Emphasis should be placed on explaining the Board's legal obligations under the Ontario Human Rights Code as well as how accommodation helps get the best from employees so that accommodation is not seen as special treatment provided to some employees.

Recommendation 19: It is recommended that orientation and onboarding for employees include information on accommodation and the processes for requesting the needed accommodation, as required by the AODA.

Recommendation 20: It is recommended that the LKDSB develop a policy and administrative procedures for accommodating religious, Indigenous, and spiritual observances that provide clear instructions on how to access accommodation, including Indigenous cultural and spiritual observances. These procedures should be consistent with the requirements of the Ontario Human Rights Code and the principles of accommodation.

Recommendation 21: It is recommended that a guide for employees, managers, and school leaders be developed about the duty to provide religious accommodation and the process for doing so, which may include accommodation with respect to not only time off for religious observance, but also schedule changes, prayer space, scheduling of interviews, and dietary restrictions.

Recommendation 22: It is recommended that the Board ensure accessible information is available for employees about their right to take time off for family responsibilities, the types of leaves available, and the process for requesting time off.

Recommendation 23: It is recommended that the Board develop a guide on addressing domestic violence in the workplace, including addressing provisions of the Occupational Health and Safety Act and the availability of leaves for employees experiencing domestic violence.

Recommendation 24: It is recommended that the Board develop a guide for employees, managers, and school leaders on the process for providing bereavement leave when the needs of an employee go beyond the existing provisions in the collective agreement.

6.4 Respectful work environment

The Workplace Equity and Inclusion Survey asked employees about behaviours that demonstrate the Board’s commitment to equity, diversity, and inclusion.

Graph 7. Behaviours That Demonstrate a Commitment to Equity, Diversity, and Inclusion.



As Graph 7 shows, survey respondents were overall more likely to report that their colleagues/peers behave in ways that demonstrate a commitment to workplace equity, diversity, and inclusion than were managers/school administrators. They were also least likely to agree that superintendents behave in ways that demonstrate a commitment to workplace equity, diversity, and inclusion.

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

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



As Graph 8 shows, employees' responses to the survey indicate that the LKDSB has done a good job of educating employees about its harassment and discrimination policy, with the vast majority of all groups reporting that they are aware of the policy. The vast majority also reported that they have received effective training on workplace harassment so that they know what it is and what to do to address it if it does occur. The vast majority of each group also reported that they have the knowledge, skills, and tools to contribute to creating a welcoming and inclusive work environment.

When asked whether they believe the person they report to would effectively handle an issue of workplace violence or harassment if it did occur, the vast majority of respondents who identify as 2SLGBTQ+, White women, and White men agreed. However, only 59% of persons with disabilities reported that they believe the person they report to would effectively handle an issue of workplace violence or harassment.

Throughout the online survey and focus groups, employees also shared their perceptions of how well a complaint of harassment or discrimination would be handled by the Board. While some shared their perspective that their complaint would be appropriately handled, many others shared a lack of faith in the complaint process and expressed fear that they would experience reprisal if they made a complaint about harassment or discrimination.

Some shared that whether they would make a complaint depended on who the harasser was. For example, some would consider the personal connections the individual has to senior leaders at the Board. Others believe that the process would not be fair if the perpetrator is in a supervisory or management role. Some also feared that they would experience retaliation if they did make a complaint. In particular, a number of employees noted that they have been warned that making a complaint is a “career-limiting move” and would have serious consequences for any future advancement or lateral opportunities. As some employees noted:

I have personally experienced discrimination and harassment by administration. It is intimidating and most teachers are fearful of reporting discrimination and harassment for fear of retaliation by the administrator. Also, administrators talk to other administrators, and the other administrators only hear one point of view.

A white male staff member referred to a black female staff member as a [racial slur] and I didn't do anything because he's a part of the old boys' club and I am not. There are some employees in the board who are untouchable - not liked by women or minorities but loved by the guys in power so you might as well be quiet about it.

In addition, many also expressed skepticism that their complaint would be handled fairly and investigated objectively. As a result, despite the merits of the case, they don't feel that the investigation would come to a finding of harassment, and therefore they don't believe there is any point in making a complaint.

Those who shared that they would make a complaint if they did experience harassment or discrimination expressed a lack of knowledge about the process.

Some women of various identities reported that they have experienced verbal harassment, physical intimidation, and threats of violence, and that their complaints have not resulted in an adequate response from the Board. They felt that the behaviours were not adequately addressed and measures were not taken to ensure there were no further incidents. Some women shared that the process was slow moving and were not handled with the urgency of women's safety in mind. Some shared their perception that there is a culture at the Board that has normalized and tolerates violence against women. Some women shared that they have decided not to seek advancement because of the level of violence that comes with it. As some women commented:

If I acted like that it would not be tolerated.

It makes me very uneasy thinking of being a woman moving into a role where I don't have a layer of protection.

People talk honestly about what they experience out there as women and that’s very disheartening to me.

In addition, some employees shared that they have been penalized by school and system leaders when they have made a complaint of harassment or raised concerns about other issues. They shared that they are “blacklisted” and not considered for advancement or other opportunities. In addition, they shared that they could also be punished by being moved to a school hours away or made to teach a grade they haven’t taught in years.

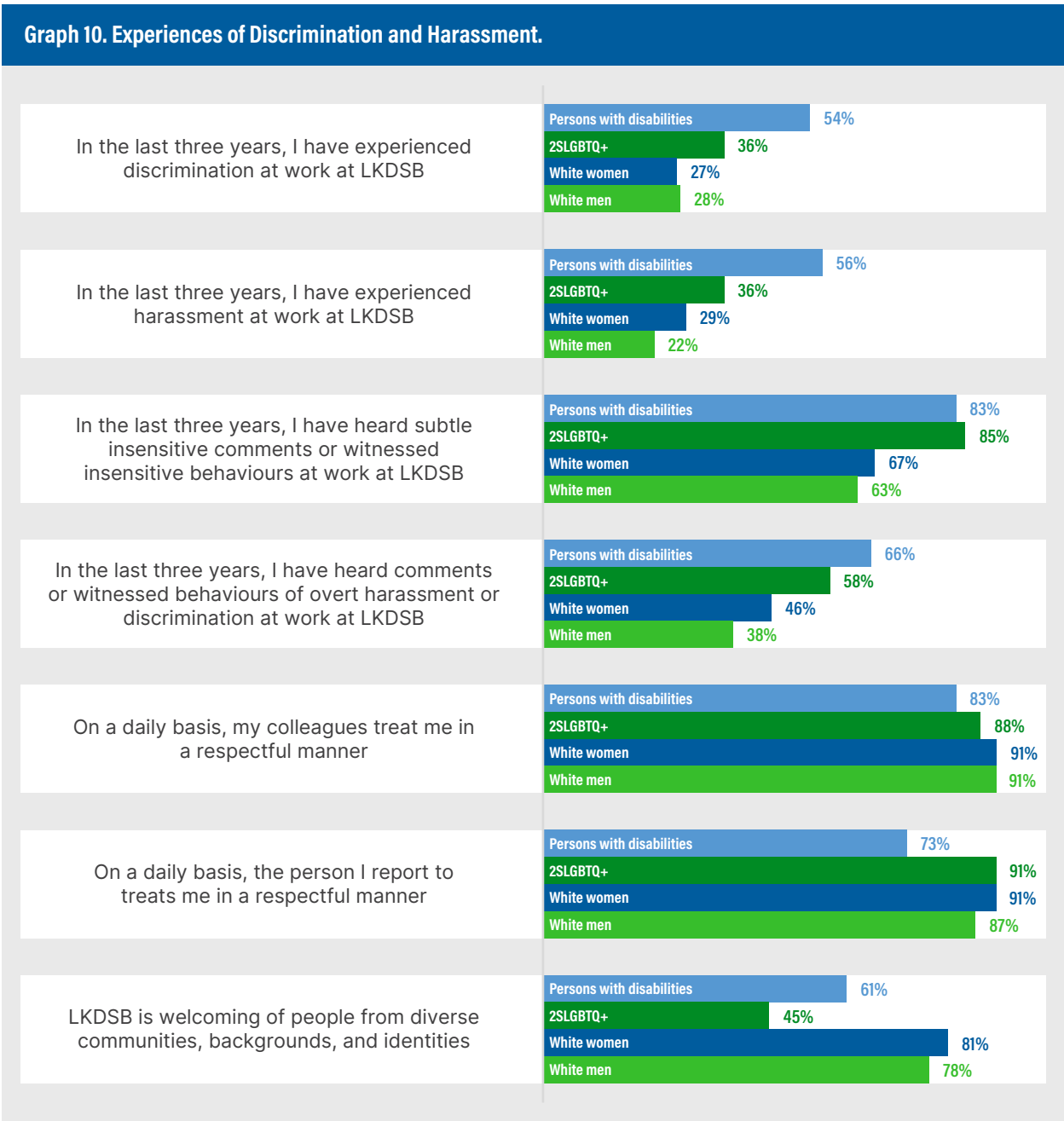


The online survey also asked employee whether workplace harassment and discrimination are not tolerated at the LKDSB. As Graph 9 shows, the majority of White women and White men agreed that workplace harassment and discrimination are not tolerated at the LKDSB. However, fewer than half of 2SLGBTQ+ survey respondents and only about a third of persons with disabilities agreed with this statement.

Similarly, the majority of White women and White men agreed that managers and school administrators create a respectful and welcoming work environment for all employees. Slightly more than half of 2SLGBTQ+ survey respondents agreed with this statement, along with just over a third of persons with disabilities.

In the comments to the survey, a number of employees shared that managers, school administrators, and superintendents could do more to model the behaviours they expect of all staff. They shared that it is difficult to foster inclusive and welcoming workplaces when leaders’ behaviours are inconsistent with this goal.

Survey respondents were also asked about their experiences of harassment and discrimination in the last 3 years.



As Graph 10 shows, more than half of employees with disabilities who completed the survey reported that they have experienced discrimination or harassment in the past 3 years. Over one-third of 2SLGBTQ+ employees reported experiencing discrimination and harassment over this time period. Smaller proportions of White women and White men reported experiencing discrimination or harassment at work at the LKDSB.

The vast majority of persons with disabilities and 2SLGBTQ+ survey respondents reported that they have heard subtle insensitive comments or witnessed insensitive behaviours at work at the LKDSB. In addition, 67% of White women and 63% of White

men reported the same. Two-thirds of employees with disabilities (66%) and over half of 2SLGBT+ employees (58%) reported that they have heard or witnessed overt harassment or discrimination at work at the LKDSB in the past 3 years. Fewer than half of the White women and White men who responded reported the same.

Despite these results, the vast majority of all four groups reported that their colleagues treat them in a respectful manner on a daily basis. While the vast majority of 2SLGBTQ+ employees, White women, and White men reported that the person they report to treats them in a respectful manner, only 73% of persons with disabilities reported the same.

The vast majority of White women and White men agreed that the LKDSB is welcoming to people from diverse communities, backgrounds, and identities. However, smaller proportions of persons with disabilities (61%) and 2SLGBTQ+ individuals (45%) agreed that the Board is welcoming.

Few experiences of harassment and discrimination

Many survey respondents indicated that in their current workplace, the prevalence of harassment and discrimination was relatively low between employees, although they did indicate that there are tensions between the community and staff. They shared that they experience a welcoming and inclusive work environment, and while they recognize that there may be some issues, they did not feel that it is prevalent at the LKDSB.

Experiences of harassment and discrimination

Unfortunately, not all employees experience a welcoming and inclusive work environment at the LKDSB. For these employees, harassment and discrimination are an almost daily experience. They reported hearing anti-2SLGBTQ+ and racial slurs and microaggressions, sexual harassment, and other forms of subtle and not so subtle harassment, discrimination, and violence. In addition, they shared that these behaviours come from a variety of sources: students, parents, community members, colleagues, the person they report to, and other leaders at the Board.

Harassment from students: Survey respondents shared their experiences of being harassed by students at school. They expressed that students are hurling insults and swearing at teachers so much that it is beyond what might be considered reasonable. For some respondents, this harassment took on the form of sexism and sexual harassment as well, with boys in particular making rude or sexually suggestive comments toward women teachers. As they stated:

Harassment has become a daily issue from students. This behaviour has become out of control in the last number of years. The administration does not have control over the students in the buildings that choose to be bullies and harass everyone. It has made for a very disheartening work environment.

Harassment I have received has been from students, specifically male students as I am a young female teacher.

I have been harassed by students about my body as a woman and being a young woman especially.

Any harassment or insensitive behaviours that I have experienced or witnessed have been done by students, not staff.

Harassment from parents and community members: A number of employees also shared their experiences of being harassed by parents or community members. They shared that parents engage in disrespectful behaviour and speech directed toward teachers. They shared that they often get little protection from the Board when they experience these inappropriate behaviours. In essence, they feel that negative behaviour from parents is permitted with little to no consequences. As they mentioned:

Harassment most frequently comes from parents and students and is usually the harassment that is most tolerated/ignored.

The conduct of parents in many of our schools has become unacceptable. Threats toward staff are a regular occurrence. Since COVID, conduct in our schools has worsened and it is difficult to manage. It feels like it has become socially acceptable to come to school yelling, making threats, and using inappropriate language.

I have experienced harassment on social media from parents and the local community, especially during contract negotiations or work to rule. I have not felt supported by LKDSB.

Harassment from coworkers: Some employees also shared that the source of harassment they experience is their own colleagues. They shared that harassment usually comes from staff that have more seniority and thus feel at ease engaging in behaviours and making comments that others find offensive. As they commented:

I have experienced some subtle workplace harassment this year, and it was taken care of through my union representative who was supportive and helpful to help me deal with the situation - however in coming forward about the employee I had discovered this had happened with this person in the past, but others did not feel comfortable taking the appropriate steps to help resolve their situation.

The process is very long and drawn out and I have had to continue working with the person who has harassed me. The investigation is still not completed after 5 months.

I have been a witness to harassment between staff but the employer did not get involved, it was the union that tried to resolve the situations.

I believe that due to lack of resources and support; resentment from parents and community; media; . . . smear campaigns; staff are taking their anger and frustrations out on their peers - pointing at each other - resentful of each other - when the real problem is systemic.

Harassment from managers and administrators: Some also reported that they were the victims of harassment at the hands of managers and administrators at the LKDSB. With this kind of harassment, respondents were wary of reporting it in case of reprisals and for fear that it would impact their career. Owing to this fear, employees were left feeling unsupported and as though they had nowhere to turn to seek backing for their concerns. The end result of this power imbalance was a chilling effect on staff, with most feeling like they could not speak out. As they stated:

It was horrible. I had to threaten to begin a lawsuit against the school administrator for him to back off.

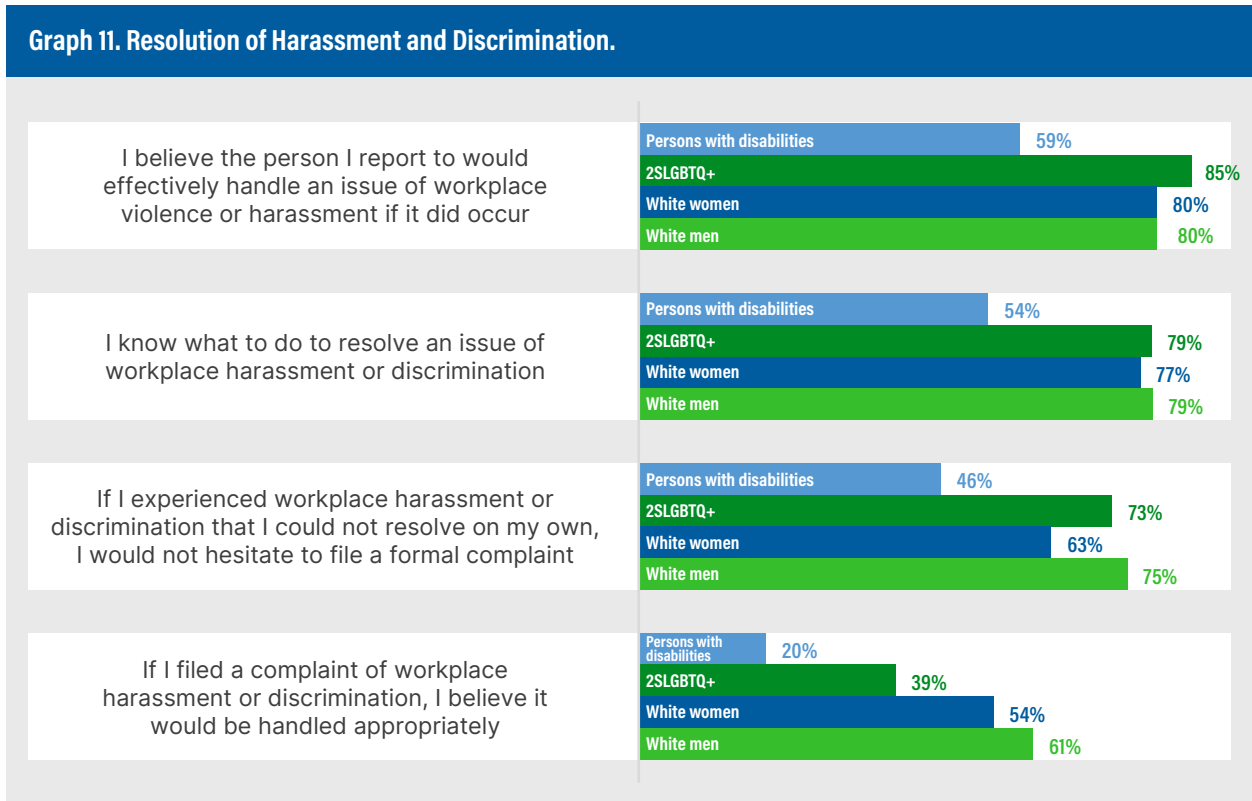
Don't feel as though there is anywhere to go when the harassment is being done by your administrator. If you were to bring it forward you would be blacklisted by the board and never have an opportunity for advancement.

People have tried to report harassments made by our principal unsuccessfully. Now people are silenced.

I am not part of a minority but I hear plenty of inappropriate comments being made. I have experienced harassment from previous administration due to personal feelings and had no one to turn to for help because we all know that if you take on a principal as a teacher you lose.

School administrators, do not treat their staff with respect, and harassment exists between them and educators.

The survey also asked employees about the resolution of harassment and discrimination if it did occur.



As Graph 11 shows, employees who identified as 2SLGBTQ+, White women, or White men were far more likely than employees with disabilities to agree that the person they report to would effectively handle an issue of workplace violence or harassment if it did occur, that they know what to do to resolve an issue of workplace harassment or discrimination, and that they would file a formal complaint if they experienced an issue that they could not resolve on their own.

Smaller proportions of each group reported that if they filed a complaint of workplace harassment or discrimination, that it would be handled appropriately. Only 20% of persons with disabilities reported that they think a complaint would be handled appropriately.

Thirty-nine survey respondents identified as managers and school administrators who have staff reporting to them. These leaders were asked whether they have the knowledge, tools, resources, and supports to effectively deal with issues when they arise and to foster a welcoming and inclusive workplace.

Graph 12. Supervisors' Confidence in Resolving Issues of Harassment and Discrimination.

As Graph 12 shows, the vast majority reported that they have the knowledge, tools, and resources to effectively deal with workplace harassment and discrimination (81%), create a welcoming and inclusive workplace (97%), and manage a diverse workforce (92%). In addition, the majority reported that the person they report to supports them to create a welcoming and inclusive workplace (95%).

When these responses are compared with the experiences and perceptions of employees, it suggests that managers and school administrators may be overly confident about their ability to effectively address harassment and discrimination and foster an inclusive work environment. In addition, it may also indicate that they are not always acting to stop harassment and discrimination, as is their legal obligation under the Code.

The online survey and focus groups allowed us to explore the experiences and perspectives of employees by identity group. These findings help us understand the specific issues and challenges faced by these employees and guide the direction of the LKDSB's workplace equity, diversity, and inclusion efforts.

Indigenous employees

Some of the Indigenous employees who participated in the consultations reported receiving excellent support from colleagues as well as support around Indigenous issues, equity work more broadly, and their experiences of discrimination. Some Indigenous staff noted that over the past 1 to 2 years, they have experienced a

noticeable shift as the Board has learned to better identify and address harassment and discrimination. They have also seen improvements in the ability of staff and school leaders to engage in discussion about Indigenous issues.

While they shared these positives, they also acknowledged that there is still much more work to do at the LKDSB and identified the following issues.

Lack of diversity: Indigenous staff reported that the staff at the LKDSB are not representative of the community served. They shared that the Board could do more to ensure that Indigenous staff are properly represented at schools with higher proportions of Indigenous students.

They also noted that more should be done to support Indigenous employees to advance into school and system leadership roles. Their comments mirrored the perceptions shared by other employees that there is significant favouritism that supports the advancement of White people into leadership positions. Indigenous employees also shared that there is a lack of support and feelings of isolation because there are so few Indigenous people in leadership positions. They also felt that the Board values Western/Eurocentric skill sets and leadership styles over Indigenous ways of knowing and being.

Hiring and advancement: Indigenous staff identified a number of barriers to hiring. Indigenous staff shared that the LKDSB has a reputation among school boards as having a recruitment process that is difficult to navigate. Among the reflections shared by Indigenous staff, they indicated that there is poor guidance from Human Resources staff when they called to ask for support in applying for a job; a lack of understanding about the hiring process itself, including what to expect in different rounds of hiring; and not enough information on the website to support decision making.

Challenges educating staff about Indigenous issues: Because there is such a large gap in general knowledge about Indigenous issues and because of the small number of Indigenous staff, many have to take on the role of educating their colleagues about Indigenous issues. Indigenous staff spoke about the negative impact it has on them when they must continuously educate others about Indigenous issues, especially when this work is not part of their formal role. Some also shared that speaking about Indigenous issues is often retraumatizing, which is something that does not go away after the workday is over.

In addition, they shared that they experience a great deal of resistance to advancing Indigenous issues from their colleagues as well as school and system leaders. They shared that whether and how Indigenous education is addressed within a school is dependent on the principal. They shared that there is very little accountability to ensure the work happens consistently across all LKDSB schools.

Subtle forms of resistance: A common theme among Indigenous staff was the subtle ways in which leaders and staff expressed their resistance to Indigenous employees and Indigenous education. While the resistance is sometimes overt, they shared that it is often expressed through subtle and passive-aggressive acts, such as the difficulty getting payment for Indigenous Knowledge Keepers.

Resistance from community: Indigenous staff also shared troubling accounts of interactions with alt-right segments of the community, some of which have taken place in school-sanctioned forums. They shared that these troubling behaviours went unaddressed even when there were numerous Board leaders present, leaving Indigenous staff to shoulder the burden.

Accommodation for cultural/spiritual observance: Some staff noted that they have had very positive experiences with receiving accommodations (i.e., time off) for days of significance. However, these instances tended to be informal and agreed to by the person they report to. They did not feel that Board policies allow for this accommodation.

Work environment: While some Indigenous staff reported generally feeling welcomed in the workplace, there were also some who reported that their workplaces have tended to be welcoming and inclusive as long as they “don’t disrupt.” In other words, they felt that as long as they went along with how things are done and did not try to ask for any changes that would better suit their ways of knowing and working, their colleagues treated them well. Once they tried to make any change, Indigenous staff reported being dismissed, isolated, and not being supported.

Some Indigenous staff also felt that while not being made to feel generally unwelcome, it is clear to them that they are not part of the “in-group” or on equal footing socially with other staff.

Indigenous staff shared extensively about their experiences of harassment, particularly at the intersection of gender and ethnicity for female Indigenous employees. Staff shared that there is resistance among leaders to naming and discussing harassment, let alone addressing it. As a result, the behaviour of leaders enables the continuation of the inappropriate ways in which Indigenous staff are talked to, objectified, and treated by staff, students, and the public.

Persons with disabilities

Many of the concerns raised by persons with disabilities relate to the provision of accommodation, which is discussed earlier in this report. Employees with disabilities also shared the following issues and challenges related to working at the LKDSB as persons living with disabilities.

Work environment: Employees with disabilities shared that while some work environments are very welcoming and mostly inclusive for employees living with

disabilities, stigma and lack of accommodation makes other workplaces less so. Some participants indicated that making spaces welcoming and inclusive still “needs work” and that administrators are working toward it as a goal.

Lack of accessibility: Some employees also shared that many work sites are not accessible and that requests to use the elevator are not readily fulfilled. Instead, they are subjected to a series of questions, which requires them to disclose their disability.

Lack of access to assistive devices: Some employees spoke about their experiences of being denied the needed assistive devices. As a result, they have been required to purchase their own assistive devices. Others shared that they were provided with inadequate or incompatible assistive devices that did not address their accommodation needs.

Attendance Support Program: Some also noted that despite having to take time off work because of a disability, they have been entered into the ASP, which they viewed as inappropriate and, in some cases, a form of harassment.

Some felt that this monitoring acted as a stressor that contributed to the worsening of their condition. Some employees also shared that they cancelled needed medical appointments in order to remain below the threshold of the ASP.

2SLGBTQ+ employees

Unsafe to be out: Employees shared that in many parts of the Board, it is unsafe to be open about their sexual or gender identity because of harassment and discrimination from colleagues and community members. They described the school district as having a conservative Christian culture throughout, which has impacted attitudes toward and inclusion of 2SLGBTQ+ employees.

Microaggressions and open hostility: Those who are out shared that they experience microaggressions and open hostility routinely. They shared that they typically don’t address the comments because of the need to maintain working relationships with colleagues, school leaders, and community members. Some shared that their comfort to raise their concerns is largely dependent on the principal and the environment they have created with respect to equity, harassment, and discrimination.

Some who are out also shared that they are not able to be their full selves at work and instead have had to “mute” their identity.

Lack of support to discuss 2SLGBTQ+ issues with students: Similar to what we heard from Indigenous employees, 2SLGBTQ+ employees shared that there are inconsistencies across LKDSB schools regarding how students are supported and how and whether a 2SLGBTQ+ curriculum is taught.

Some 2SLGBTQ+ employees shared that they often serve as supports for 2SLGBTQ+ students and incorporate issues of equity into their lessons. However, they shared

that they often do not receive the support of their administrator or the Board should parents complain. Some shared that they have the support of their principal to start a Pride Club at their school, but have received resistance and negative comments from colleagues.

Others shared that there are colleagues who, despite being expected to cover the assigned curriculum on gender identity, have elected not to teach these topics.

Racialized employees

Workplace culture: Racialized employees shared that their workplaces are not always welcoming and inclusive. Like other groups, they shared that they face almost daily experiences of microaggressions and not-so-subtle forms of aggression and inappropriate behaviours. They spoke about the mental and physical impacts of these behaviours on themselves, and like other groups, they reflected on how these experiences mirrored the experiences of students.

In addition, they shared that they have had to navigate the fine line between being perceived as not competent or not having earned their position and performing their jobs too well—in which case they are seen as arrogant. They must also navigate working relationships with colleagues who lack knowledge about equity, with many of these colleagues working from a deficit lens when dealing with student and staff from diverse communities, backgrounds, and identities.

Focus group participants also shared numerous instances of microaggressions, such as colleagues making references to skin colour, body type, and a variety of additional othering remarks and behaviours. Some racialized women also shared experiences of being physically touched without consent, which created a sense of discomfort and lack of safety for them. Some of these inappropriate behaviours and remarks are coming from individuals in leadership positions. They shared that these behaviours have signalled to their colleagues that these behaviours toward racialized people are acceptable.

In some workplaces, harassment and discrimination present themselves more subtly through acts of exclusion, which can be difficult for racialized employees to articulate and identify as a complaint. Racialized employees also shared that their presence in the workplace has been questioned and they feel that they are under surveillance. Others shared that their equity work is often not welcomed by colleagues and may negatively impact their advancement in the organization.

Hostile work environment: In addition, racialized employees shared their experiences of more direct hostility and aggression toward them.

Racialized participants spoke about frequent instances of being questioned or directly challenged about their competency and qualifications for their positions, of being

regularly interrupted when speaking, and of open resentment toward their being employed by the Board.

In addition, they have shared that they have heard outright racist, homophobic, and sexist comments openly made by their colleagues. They noted that these conversations occur openly and frequently in staff rooms, which has led them to start eating lunch in their classrooms or in other parts of the school or building. The need to avoid these areas as a means of protection results in their further isolation in the workplace.

Someone said to me, That's how people like you get hired.

I've heard other staff say, "How much more do they want?"

Things I hear that are racist, homophobic and sexist. They're not speaking directly to me. They're talking to their friends in hallways, everywhere in the school. They don't find anything wrong with it.

It's a lot of microaggressions. They don't direct it at us, but it's always around us. It surrounds you all the time.

There is a perception that unwelcoming attitudes and behaviours toward racialized employees is part of the culture in the community and at the school board. This results in racialized employees feeling they need to remain "on alert" to protect against racism and other forms of discrimination.

Lack of diversity and resulting isolation: Racialized employees shared that even though school communities are changing in some areas of the school district, there remains a gap in representation between students and staff. This often leaves racialized employees as the only racialized person in a school, resulting in feelings of isolation. The lack of diversity, particularly in leadership roles, also sends the message to many racialized employees that they have limited opportunities for advancement.

Some mentioned that in some schools, the only staff who are racialized are the custodians and that they work in the evening. The perception is that they are deliberately scheduled so as to hide them from others in the workplace.

Barriers to hiring and advancement: Racialized employees shared that because hiring and advancement is so dependent on relationships, and that owing to race they are excluded from these networks, this creates barriers to their hiring and advancement at the Board. They also shared experiences of being passed over even when they are more qualified than their White counterparts.

In addition, a number of racialized participants spoke about incidents where they have been targeted and blocked from advancement opportunities by senior leaders.

There is a perception that a personal endorsement by a person of influence must be secured in order to advance at the Board.

White women

Misogyny/Sexism: As described by women from the other identity groups, White women shared that misogyny and sexism are a part of the LKDSB culture and are demonstrated in a number of ways. Some who have worked in other school boards expressed their shock at how women are treated at this Board and how engrained misogyny is in the culture of the organization.

They shared that they are expected to lead in a highly authoritarian style. As one person commented, “If our discipline style or our style of maintaining order in a building is not overtly aggressive, verbally aggressive or physically aggressive, it’s seen as weak.”

In addition, they shared that the “old boys’ club” supports the advancement of men at the Board. Through personal networks, men are able to form relationships, learn how to navigate the organization, and support each other to advance at the Board. They shared that women are not included in these personal networks.

Some women, particularly those in leadership positions, also shared that they experience a certain level of disrespect from the men that report to them. They shared that these men display this disrespect in a number of ways, including ignoring their directions, undermining them professionally, and mansplaining, that is when a man explains something to a woman in a condescending or patronizing manner. In addition, they shared that some of the female support staff are more supportive of male administrators than female administrators.

Workplace safety: The most pressing issues arising from these conversations with White women is safety in the work environment. The women who participated in the focus groups shared experiencing frequent incidents of verbal abuse, sexual harassment, and physical intimidation. Some shared their concern that there is an imminent threat of these incidents escalating to physical violence. In some cases, they shared that these behaviours have occurred in front of students and in front of staff who did nothing to intervene. Despite the potential for physical harm to come to them, and the ongoing psychological harm, they shared that their concerns have been either ignored or poorly addressed by senior management and Human Resources. They shared that rather than addressing these behaviours, the Board has moved these men to other locations, where their behaviours have continued.

Women employees shared that they have been left to strategize to defend against these behaviours in schools in rural locations. Although in some instances Human Resources has created safety plans for some women, this is a post-incident reactive measure and does not address the root cause. The need for women to make themselves safe has created the perception that no deliberate action is being taken to

stop men who are behaving in this abusive manner. In addition, this is not a solution-based or trauma-informed approach and creates conditions for an unsafe and toxic work environment for women. Women expressed their exhaustion of having to be “on guard” at all times in the workplace. It has left some women reconsidering whether or not they want to continue pursuing their careers in education.

Barriers to advancement: White women also shared that the sexist work environment and the lack of safety they experience have made them feel reluctant to assume administrative roles. Some of those in administration expressed regret for seeking advancement. In addition, a number of participants observed the difficulties that women who are administrators currently face.

White women participants also shared their perception that the advancement process is not transparent. They expressed uncertainty about the promotion process. Some also felt that the process was mostly performative in nature, with the outcomes of the promotion process being predetermined, rather than an equitable and transparent assessment of skills, knowledge, and leadership abilities.

Employees also remarked that there is a perception that women must lead from a more masculine stance and, at the same time, they cannot give the appearance of being too competent and assertive in order to be considered for advancement.

White men

Resistance to, and lack of understanding of, equity work: Some focus group participants and survey respondents who identified as White men shared their resistance to, and lack of understanding of, the Board’s workplace equity efforts.

Some shared their perception that they are experiencing barriers to advancement because they are White males. They felt that the Board’s practice has shifted from hiring based on merit to hiring solely based on identity. They also identified that those holding strong Christian conservative views will no longer advance at the Board. As one person commented, “The hiring system is no longer a merit-based system; there’s definitely check boxes.”

They identified a number of people with these views who are currently vice principals who they feel will be penalized because they don’t support the Board’s 2SLGBTQ+ “agenda.”

Concerns about training and approach to equity: A number of White men also shared their hesitancy to teach some of the topics they are expected to teach, particularly related to Indigenous education, Black history, and 2SLGBTQ+ issues, because they feel that they don’t have the knowledge needed. They shared their concern that they can put their careers in jeopardy if a student feels that they are offended by what is said in the classroom. As one person shared:

I could be disciplined for saying something that wasn't even offensive but that one student felt it was and that one student's opinion of their feelings means more than what the truth was that I said in my classroom. So with this DEI stuff, we're told to do it but we're not supported in any way and we're not educated in a lot of ways to do it properly. So a lot of teachers are like me where we just say it's not worth my career to dig deep into these issues.

They shared that the Board needs to take an approach to these issues that are more sensitive to the community. As one person shared:

I think the school board needs to recognize their demographic. I think they need to realize that we are not Toronto. That we are not downtown big metropolis. We are farming communities spread out across Southwestern Ontario . . . I think the school board hears these ideas from Toronto or other areas and bring in these speakers like a raging bull who are going to come in and break china cabinets just because it works with DEI but in the end it just makes teachers go nope I'm done.

Allies: Some White male school administrators who participated in the focus groups also shared their support for the Board's equity work. They shared knowledge about the issues and are eager for the Board to continue along its equity journey.

Findings and Recommendations

The employee feedback in this section points to the need for the LKDSB to continue to provide professional learning for employees, managers, and school and system leaders on human rights and equity in the workplace. This learning is needed to ensure that employees understand their obligations to foster welcoming work environments and that certain behaviours may constitute harassment under the Ontario Human Rights Code. In addition, those in leadership positions need to understand their legal obligations to address harassment and discrimination when they occur, foster positive working relationships, and support managers and school administrators to address issues when they arise. Leaders must be held accountable to ensure that they meet these legal obligations.

In addition, the Board needs to strengthen the complaint process and increase employee confidence in the complaint process to address issues when they do occur.

The experiences of Indigenous employees and employees from the equity-seeking groups highlights the need for the LKDSB to diversify its workforce and foster more inclusive work environments where all employees are able to contribute their best to their work and also be their full selves at work.

Recommendation 25: 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, to act to stop harassment and discrimination when they witness or hear about these behaviours, and to provide accommodation based on any human rights protected ground.

Recommendation 26: It is recommended that all employees receive annual training on racism and other forms of oppression, the Board's legal obligations to create harassment- and discrimination-free workplaces, and managers' obligations to act when they know about or ought to be aware of racism in the workplace.

Recommendation 27: It is recommended that the LKDSB periodically undertake short surveys of employees to assess the impact of this training and determine what more needs to be done to foster harassment- and discrimination-free workplaces.

Recommendation 28: It is recommended that, in addition to training, the Board use visual displays of positive spaces to support the creation of inclusive, anti-racist, and safe workplaces that allow 2SLGBTQ+, Indigenous, and racialized employees to bring their full selves to work.

Recommendation 29: It is recommended that the Board create and support Employee Resource Groups to create safe and inclusive spaces for Indigenous employees and those from the equity-seeking groups for networking and mutual support. Furthermore, the Board should use the Employee Resource Groups as a valuable resource to continue its work to identify and remove barriers to employment equity, diversity, and inclusion.

Recommendation 30: It is recommended that the Board clearly communicate to all members of the school community that its stance on human rights includes human rights for all, including 2SLGBTQ+ employees and students.

Recommendation 31: It is recommended that the Board work with nonprofit and public sector partners to create a public education campaign throughout the school community that highlights human rights for all and fosters a welcoming community.

7. Review of Recruitment and Selection Processes and Practices

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

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

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

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

1. 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. Competition files.

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 use the same template, have the same structure, and include the same information: location; job type (e.g., occasional, contract); job responsibilities; job qualifications; salary; and other requirements such as a Police Records Check.

The job ads do not include the salary range for the position.

Equity statement

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

The following equity statement is included on the Board's Employment webpage and on each job ad:

The Lambton Kent District School Board is committed to supporting inclusive and equitable learning and work environments for all. Through our recruitment and selection process, we strive to provide a qualified workforce that reflects the diversity of our communities. We welcome applications from candidates with diverse backgrounds and lived experiences as a member of a marginalized group, including but not limited to:

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

- Persons of marginalized sexual orientations, gender identities, and gender expressions. [emphasis ours]

This list mentions groups that differ from the groups identified for employment equity through the Abella Commission, because the latter groups experience systemic and persistent discrimination in the labour market.²⁵ The Abella Commission identified the following groups: Indigenous peoples from Canada, persons with disabilities, visible minorities²⁶ (or racialized people), and women. In addition, many organizations include those from the 2SLGBTQ+ communities, given their experiences of discrimination and harassment.

The wording used by the LKDSB in this equity statement is problematic because it expands the focus beyond these groups:

- Rather than focusing on racialized people, the Board’s statement expands the focus to the broader group of “members of groups that commonly experience discrimination due to race, ancestry, colour, religion and/or spiritual beliefs, or place of origin.” This wording leaves it up to the individual job seeker to interpret and extends the focus to include people who may not experience systemic discrimination in the hiring process.
- By specifying that it also includes “all other Indigenous peoples,” this shifts the focus from First Nations, Métis, and Inuit, and broadens this group to include Indigenous peoples from beyond North America (or Turtle Island), to include those from around the world. This statement should specify that the focus is on “Indigenous peoples of North America (or Turtle Island)” to keep the focus on First Nations, Métis, and Inuit, which is the intent of employment equity legislation in Canada.

Recommendation 32: It is recommended that the LKDSB’s equity statement be revised to encourage applications from the members of the groups that experience persistent and systemic discrimination in employment, namely Indigenous peoples from North America (or Turtle Island), racialized people, persons with disabilities, 2SLGBTQ+ individuals, and women.

Accommodation statement

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

²⁵ Abella, R. S. (198). Equality in employment: A Royal Commission report. Supply and Services Canada. https://publications.gc.ca/collections/collection_2014/rhdcc-hrsdc/MP43-157-1-1984-1-eng.pdf

²⁶ This outdated term continues to be used in the federal Employment Equity Act, although “racialized” is the preferred term in more common usage today.

The LKDSB includes the following accommodation statement on the Careers webpage and each job ad:

The LKDSB is committed to providing barrier-free and accessible employment practice in compliance with the Accessibility for Ontarians with Disabilities Act (A.O.D.A.). In compliance with the A.O.D.A., the Lambton Kent District School Board will make necessary accommodations for applicants with disabilities to support participation in the recruitment process. Please contact Human Resources if you require assistance.

While this statement supports the Board to meet its obligations under the AODA, the Board also has an obligation to provide accommodation based on any human rights protected ground, such as religion and family status. As such, this accommodation statement should be expanded to something like the following:

The LKDSB is committed to providing barrier-free and accessible employment practice in compliance with the Accessibility for Ontarians with Disabilities Act (A.O.D.A.) and the Ontario Human Rights Code. The LKDSB will make necessary accommodations for applicants with disabilities and for others based on any Code-protected ground to support participation in the recruitment process. Should you require accommodation through any stage of the recruitment process, such as an alternative date and time or the use of assistive devices, please make your needs known when contacted to schedule an interview and we will work with you to meet your needs.

Recommendation 33: It is recommended that the LKDSB's accommodation statement be revised to specify that the Board will provide accommodation based on any Code-protected ground and that candidates should let their needs be known when contacted for an interview.

Equity-related competencies

Job postings were reviewed to determine whether they include qualifications related to the candidate's ability to work with a diverse group of co-workers or students, manage a diverse group of employees, apply an equity lens to their work, or lead through an equity lens. Equity-related competencies were not found on the job postings reviewed.

Recommendation 34: It is recommended that equity-related competencies be included in each role description and on each job ad, appropriate to the role, to ensure that candidates have demonstrated their commitment to and competence in equity, anti-racism, and anti-oppression, as required by each role.

7.2 Advertising job openings

LKDSB website

The LKDSB website includes a good deal of information about the school board. There is also information for new hires that includes:

- Basic information for new employees
- Collective agreements
- The Workplace Complaint and Investigation Administrative Procedures
- Health and safety information
- Human Resources staff directory
- Employee Quick Reference Card

This review found that the Employment webpage:

- Provides information about the types of jobs, the region, as well as the number of students and schools
- Describes how to register for Apply to Education, through which all applications are made
- Contains contact information for technical support related to Apply to Education
- Contains contact information regarding recruitment
- Provides a link to information on accessibility, including links to accessibility policies and the Board's accessibility report.

However, the webpage could go further by providing job seekers with the following additional information:²⁷

- More information about the Board's equity work
- Application and interview tips
- Answers to FAQs such as:
 - 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?
 - What is the process to request an accommodation?

²⁷ See this website for example: <https://www.kprschoools.ca/en/our-board/careers.aspx>

- Informing candidates that they will require a Police Records Check (this information is included on the New Hire webpage but not the Employment webpage)
- Describing the process that will occur should a candidate's Police Records Check not be clear
- Information 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:²⁸

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

[International Credential Assessment Services of Canada](#)

[University of Toronto](#)

[World Educational Services](#)

Applications are only accepted through Apply to Education.

Recommendation 35: It is recommended that the Employment webpage be updated to provide additional information that could support job seekers from Indigenous communities and the equity-seeking groups to apply for jobs at the LKDSB.

Recommendation 36: It is recommended that the LKDSB explore how to receive applications from candidates who lack computer and internet access.

Outreach recruitment

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

²⁸ PDSB Careers webpage: <https://www.peelschools.org/careers>

if they perceive the organization to be a “closed shop” and unwelcoming of people from their community, background, or identity.

The LKDSB does not currently engage in outreach recruitment.

Recommendation 37: It is recommended that the LKDSB engage in outreach recruitment with diverse communities in the school district to attract job applicants from diverse communities, backgrounds, and identities.

7.3 Application form

All job seekers are able to apply online to job openings through Apply to Education. To reduce barriers to access, the Board has waived the fee for job seekers.

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

- 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 and diplomas
- Teaching qualifications/licenses
- Reference letter(s)
- Transcripts
- Criminal background check

The LKDSB verifies the credentials of those applying for teacher, school and system leader, ECE, and management positions through a third party. The credentials of licensed professionals are verified with the respective professional colleges.

Applicants are also able to specify their grades and teachable subjects, language skills, experience, education, and professional references.

The LKDSB could support job seekers by providing guidance to job seekers and 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 other individuals 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 provincial Human Rights Code by requiring an Iranian refugee to provide original documents to prove her teaching qualifications. The person, who taught in Iran for 16 years before fleeing to Canada, feared that the Iranian government might harm her relatives in Iran were she to request the documents. The court ruling stated that:

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

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

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

Because candidates are only able to apply online, those who lack access to computers or reliable internet service are precluded from applying to positions at the Board.

Recommendation 38: It is recommended that the LKDSB ensure that guidance be provided to those involved in the hiring process should a candidate be unable to obtain their original certificate or degree to ensure that candidates receive the needed accommodation.

Recommendation 39: It is recommended that the LKDSB pursue the option to access the self-identification options in Apply to Education and develop procedures to ensure that it makes use of the self-identification data to identify barriers in the hiring process and to support the diversification of the workforce. The Board should also inform job applicants about whether and how their demographic data will be considered in the selection process.

7.4 Accommodation during the hiring and selection process

During the hiring and selection process, the Ontario Human Rights Code requires that organizations accommodate both existing and prospective employees based on any Code-protected characteristic. The AODA also requires that persons with disabilities receive accommodation in the hiring and selection process, if necessary. The Employment Standard requires that organizations:²⁹

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

While the Board includes an accommodation statement on its job postings, the emails sent to job applicants to invite them for an interview does not inform them that accommodations are available upon request.

Recommendation 40: It is recommended that all job applicants invited for an interview be informed that accommodations are available upon request. In addition, the email should describe the selection process (e.g., panel interview and other assessments such as presentation, written test, etc.) with sufficient detail so that candidates can determine whether they will require accommodation.

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

²⁹ Kovac, L. (2018, November 5). What is the Employment Standard? AODA.ca. <https://www.aoda.ca/what-is-the-employment-standard/>

applicant has been assessed against the criteria and to justify the selection of those invited for an interview.

The competition 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.

Recommendation 41: It is recommended that a pre-screening form be developed and used in the hiring process to ensure that candidates are consistently assessed against the minimum qualifications to enter the role. The completed form should be retained in the competition file.

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; administer the same tests to all candidates; and ask all candidates the same interview questions.

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.³⁰ This finding likely also holds true for candidates who are Indigenous or from the other equity-seeking groups.

Other studies have found that bias and error on the part of the interviewer is a key reason why the candidate who is most likely to perform well in the job is not always hired.³¹ 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 demonstrates the impact of gender, race, and ethnicity on various aspects of employment. This research suggests that both conscious and unconscious biases influence interactions with and the assessment of job candidates. One study found that in the

³⁰ Polisar, J., & Milgram, D. (1998, October). Recruiting, integrating and retaining women police officers: Strategies that work. *The Police Chief*, 65(1), 42–52.

³¹ 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>

hiring process, men are judged based on their potential and women on their past performance.³² Some studies found that when there was a hiring decision to be made, men of equal skill and ability were more likely to be hired over their female peers.³³ 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.³⁴

To minimize the effect of bias on candidates who are Indigenous or from the equity-seeking groups, organizations typically strive to ensure diversity among interview panels. A more diverse panel increases the validity of the interview as a primary selection tool and decreases the differences in outcomes between equally qualified candidates from various groups. It also decreases the likelihood of gender or cultural bias in the interview process, which in turn increases the fairness—and perceptions of fairness—of the process.³⁵

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

Competitive process

A competitive process is typically used when hiring externally to fill a vacancy. When hiring internally, collective agreements will determine whether a competitive process is required or whether hiring is based on seniority.

³² 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>

³³ Cortina, C., González, M. J., & Rodríguez, J. (2019). Are women less likely to get hired? La Caixa Social Observatory. <https://observatoriosociallacaixa.org/en/-/mujeres-opportunidades-contratadas>

³⁴ 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>

³⁵ 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>

However, staff shared that a competitive process is not always used to fill vacancies, such as hiring for long-term positions (e.g., to fill a maternity leave).

Use of an interview panel

The review of the competition files indicated 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 try to include people from diverse backgrounds on the interview panel. Doing so is particularly important when hiring for positions that have a specific focus on Indigenous students.

Recommendation 42: It is recommended that hiring managers be advised to include people from diverse backgrounds on the interview panel, where possible. When hiring for positions with a specific focus on Indigenous students, the hiring panel should include Indigenous panel members.

Debrief

Staff shared that they are not always provided with a debrief or with appropriate information in the debrief that would support their ability to learn from the process in order to do better in the next competition.

Recommendation 43: It is recommended that hiring managers be provided with guidance so that they are able to provide constructive feedback to unsuccessful candidates.

Interview Opening Checklist

Some of the interview guides included an Interview Opening Checklist, which included the following information:

- Building rapport checklist
 - Greet the candidate, explain your role, and express appreciation for the candidate's interest and time
 - Put the candidate at ease. Engage the candidate in conversation, commenting on common areas of interest, weather, travel experience, etc.
 - Ask whether there is any reason the candidate might not perform at their best today (sickness, fatigue, stress, etc.). Decide whether the interview should be rescheduled.
 - Transition to the interview by explaining the dual purpose of the interview: gathering information and providing information. Provide an overview of the interview process and ask for candidate questions before beginning.

- Information to share with candidate
 - Review the job’s reporting relationship, work hours, location, other information. Ask whether any of these will pose a problem for the candidate.
 - Review the job’s essential functions, ask the candidate if there are any reasons why they could not perform the functions, with or without accommodation.
- Work history review
 - Review the candidate’s resume or application and ask questions to verify: gaps in employment; frequency of job changes; reasons for leaving previous employers; past responsibilities
- Education history review
 - Review the candidate’s resume or application and ask questions to verify educational degrees, certificates, courses taken, extra-curricular activities, licenses

While this checklist is helpful, some of the guidance may introduce bias into the process. For example, the Ontario Human Rights Commission notes that asking about gaps in employment could pose barriers to older women who have re-entered the workforce as well as persons with disabilities who have been out of the workforce for medical reasons.³⁶

Additional guidance on how to engage in bias-free hiring could also be provided to support members of the interview panel.

Recommendation 44: It is recommended that the Interview Opening Checklist be revised to ensure that it supports bias-free hiring, and that it be used in all interview processes.

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. This included situational questions (e.g., “What would you do if . . . ?”), behavioural (e.g., “Tell us about a time when . . .”), experiential (e.g., “What experience do you have in . . . ?” “Describe your experience with . . .”), knowledge and skill based (e.g., “Please state your knowledge of . . .”). Including a

³⁶ Ontario Human Rights Commission. (2008). 5. Interviewing and making hiring decisions. In Human rights at work 2008 (3rd ed.). <https://www.ohrc.on.ca/en/iv-human-rights-issues-all-stages-employment/5-interviewing-and-making-hiring-decisions>

good mix of the various types of interview questions helps candidates with a range of experience and knowledge demonstrate their competence for the role. Questions related to how the candidate would support the diversity of the school community were found in most of the competition files reviewed.

While most of the files reviewed included strong questions, the following concerns were raised about some of the interview questions:

- **Question type:** A mix of question types was not found in each competition file. The file review found many behavioural questions (e.g., “Tell me about a time when . . .”). What was concerning is that questions focused on assessing competencies such as initiative, self-development, emotional maturity, and interpersonal understanding. However, few questions focused on the technical skills and abilities needed to be successful in the role. In addition, the same questions were used for various competitions for educators, giving those who were interviewed multiple times an advantage.
- **Gendered and culturally biased questions:** There were also some interview questions that are gendered and/or culturally biased. These questions require candidates to “sell themselves” to the interview panel, which favours male candidates, as most men are socialized to be overconfident.³⁷ These types of questions also put people from the dominant Canadian culture at an advantage, as people from many other cultures are socialized to be humble when speaking about themselves. The desired characteristics are also more likely to be demonstrated by men from the dominant culture than by men from other cultures, as masculine norms differ across cultures.³⁸ 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. These types of questions would therefore put these candidates at a disadvantage in the hiring process:
 - Share why you think you are a good fit for the organization.
- **Equity-related questions:** Not all competitions asked candidates about equity-related competencies. While some competitions included such questions, they weren’t asked in all competitions, including those for educators.

We did not find evidence of guidance being given to the interview panel to provide candidates with a written copy of the interview questions to refer to during the interview. Providing interview questions in advance is a best practice that supports

³⁷ Ontario Human Rights Commission. (2014). Human rights, mental health and addiction disabilities (brochure). <https://www.ohrc.on.ca/en/human-rights-mental-health-and-addiction-disabilities-brochure>

³⁸ Ontario Human Rights Commission. (2014). Human rights, mental health and addiction disabilities (brochure). <https://www.ohrc.on.ca/en/human-rights-mental-health-and-addiction-disabilities-brochure>

those who are visual learners or neurodiverse to fully understand and respond to each question. 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.

The review of the competition files found that not all interview guides included look fors (or indicators of proficiency) or a scoring guide to ensure the consistent scoring of responses to each question. When a scoring guide is provided, not all panel members scored the candidate's responses to each question. In addition, where the interview guide provides the opportunity for the interview panel to include their overall recommendation, no recommendation was made. As such, it is difficult to determine how candidates are assessed.

In some of the interview guides we found that the candidates' responses were scored, but members of the interview panel did not take notes to document the candidates' responses to the interview questions. They simply checked off the look fors that were mentioned in the interview. Documenting the candidate's responses to the interview questions is essential to support the fair assessment of candidates and is also needed should the hiring decision be challenged.

Recommendation 45: It is recommended that guidance be provided to ensure that all competitions include an interview guide that includes look fors and a scoring scale to support the fair and consistent scoring of each candidate.

Recommendation 46: 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"
- Provide guidance on developing interview questions, including ensuring that: (1) the questions clearly assess the candidates' skills and abilities for the job; (2) panel members are instructed to take verbatim notes on candidates' responses to the interview questions; and (3) the response to each question is scored
- Require that the interview panel provide a written copy of the interview questions for the candidate to refer to during the interview and, where possible, allow the candidate to review the written questions a few minutes prior to the interview

- Include instructions for interview teams that reflect a number of best practices:
 - Open the interview by explaining the process to the candidate, including the number of questions to be asked and the time allotted for the interview
 - Guidance on the use of “look fors”
 - Guidance on probing
 - Consensus scoring
 - Guidance on not assessing candidates based 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

The review of the competition files did not find that tests were included as part of the assessment process (e.g., presentations, written tests, as well as tests of computer skills). These should be considered as more objective assessment of a candidate’s skills and abilities for the job.

While tests were not included in the competition files reviewed, Human Resources reports that various tests are administered during the hiring process to assess payroll, clerical, computer, and other skills.

7.7 Reference checks

The LKDSB uses a survey administered through a third-party provider to conduct reference checks. The survey asks references to rate the candidate on a number of characteristics as compared to others in the workplace, including dependability, organization of work, attention to detail, and whether they met goals and expectations. The survey also allows the reference to identify ways that the candidate could improve upon their work performance and their work-related strengths.

The reference check surveys reviewed included a question to assess whether the candidate treats others, including those of different backgrounds, beliefs, and genders, with fairness and respect. In addition, one survey asked a question about a candidate’s interactions with students with special needs.

The reference check could be strengthened to better assess applicants’ ability to work with and support students and staff from diverse communities, backgrounds, and identities.

Recommendation 47: It is recommended that the reference check include questions to assess the candidate's ability to work with and support students and staff from diverse communities, backgrounds, and identities.

7.8 Competition files

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

The files provided were not always complete and therefore did not enable us to determine whether each applicant was fairly assessed against job qualifications as part of the screening process to decide who to invite for an interview, nor were we able to determine how candidates were assessed to select the successful candidate.

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

Recommendation 48: It is recommended that a checklist be provided to specify which items should be maintained in the competition files.

8. Review of the Principal and Vice Principal Promotion Process

Once a year, the LKDSB holds promotion processes for elementary and secondary principals and vice principals. The process unfolds as follows:

Stage	Description
Posting Issued	<p>The promotion process is initiated with the posting, which identifies the required qualifications/experience, other key skills, and knowledge, and describes the promotion process. It also provides application instructions.</p> <p>Employees interested in pursuing a leadership role within the LKDSB begin by applying to the Administrative Leadership Pool. Once a year, the posting is issued and included on Apply to Education.</p>
Administrative Leadership Pool (Optional Workshop)	<p>Those who have applied for promotion are invited to attend a workshop to discuss preparation for their upcoming Administrative Leadership Pool interview.</p> <p>This opportunity is voluntary and gives participants the opportunity to learn more about the promotion process and how to prepare for their interview.</p> <p>The last session was held from 5:30–7:00 pm. Catering was provided.</p>
Application Process	<p>Applicants are asked to submit the following:</p> <ul style="list-style-type: none"> • Cover letter • A copy of the applicant’s Ontario College of Teachers’ Certificate of Qualification • Curriculum vitae clearly stating educational background, qualifications, and leadership experience relative to the required experience/skills <p>Along with their application, they are asked to submit a Supervisor’s Report, which is written collaboratively between the applicant and their supervisor. A template is provided.</p>

Stage	Description
Interview Stage	Based on their application, candidates are selected for an interview.
Notification	Successful and unsuccessful candidates are notified, and internal candidates are provided a debriefing upon request.
Pool	Successful candidates are added to the pool. As vacancies arise, Senior Administration places candidates based on the needs of the system.

Job posting

The promotion process is open to internal and external applicants. Internal applicants are considered for vice principal positions. External applicants are considered for vice principal and/or principal positions.

The minimum qualifications, experience, and skills required include the following:

- Principal's qualifications. Applicants with the Principal's Qualification Part 1 completed prior to the start of the next school year are also considered.
- Cognitive, social, and psychological resources as per the Ontario Leadership Framework
- At least 5 years of successful teaching in elementary or secondary education
- Native and other multi-cultural experience is an asset.

The job posting also includes the Board's equity and accommodation statements.

Other than identifying "Native and other multi-cultural experience," equity-related competencies are not included in the job posting. This language should be updated to instead refer to "Indigenous peoples and diverse ethnic and racial communities," and ask for experience working with members of other communities, such as 2SLGBTQ+ communities.

Administrative Leadership Pool (Optional Workshop)

While the email that invites applicants to the promotion process informs them that catering will be provided, it does not ask them whether they have any dietary restrictions. In addition, applicants are not asked to specify whether they require accommodation to participate in the session.

Supervisor's Report

This report is to be completed collaboratively between the applicant and their supervisor. The rating, final scoring, and summative comments should remain confidential to the candidate.

The applicant is expected to:

- Provide evidence of their leadership in each of the domains
- Using the pull-down menus, provide a self-assessment of their level of proficiency relative to a practising vice principal (i.e., entry level, developing proficiency, proficient, expert)
- Establish a time to meet with their principal
- E-mail this file to their principal prior to the meeting

The principal is expected to:

- In the meeting with the applicant:
 - Probe into the examples provided by the applicant
 - Have a discussion regarding the self-assessment relative to a practising vice principal
 - Adjust the scoring as deemed appropriate based on the conversation
- Provide a total for the scoring
- Review with the applicant their last Annual Growth Plan and T.P.A. to discuss progress and development and next steps
- Provide additional comments as appropriate
- E-mail the completed Supervisor Report to the Interview Coordinator.

The skills and competencies assessed include: setting directions; building relationships and developing people; developing the organization to support desired practices; improving instructional programing; securing accountability; communication skills; operational skills; cognitive resources; social resources; and psychological resources.

The skills and competencies included on the Supervisor's Report do not include any related to equity.

References

Prior to the interview, candidates are asked to email five references (three supervisors, including their current supervisor, along with two other professional references).

In addition to the list of five references, candidates are asked to forward a separate email from Skill Survey to four references. Two of the four references provided need to be either a current or former principal or vice principal. The other two references can be from the list of five or from co-workers.

Invitation for interview

An email is sent to those selected for an interview, including the date and time for the interview. They are informed that their preparation time starts 30 minutes prior to the interview time. It is suggested that they arrive 35 to 40 minutes before their interview time.

The interview format is attached for their information. They are informed that they will receive another email that outlines the format of the interview in more detail along with their presentation topic. The presentation assignment is sent to candidates 1 week prior to the interview.

The email does not inform candidates that accommodation will be provided and that they are to make any accommodation needs known.

Presentation and interview

Candidates are asked to arrive 30 minutes prior to the interview. They are placed in a quiet room to prepare for their presentation. At this stage, they are also provided with 3 of the 5 interview questions and given time to formulate their responses. They are also provided with a pad of paper that they will be able to bring to the next stage of the interview.

Candidates have 20 minutes to do their presentation and engage the interview panel in conversation. They are informed that they will be asked proving questions by the interview panel. Once the presentation is complete, they will proceed to another room for the interview.

The interview consists of 5 questions and lasts about 30 minutes. The questions are included in writing.

The instructions provided to candidates do not indicate that accommodation will be provided, nor invite candidates to let their accommodation needs be known.

Interview questions

Interview questions cover a range of topics to assess the candidate's leadership competencies. However, not included are any questions about the candidate's ability to lead a diverse school community and support achievement and well-being of marginalized students.

Recommendation 49: It is recommended that the Board engage with Indigenous staff and leaders to explore ways to decolonize the promotion process in order to support the advancement of Indigenous staff into positions of leadership at the Board.

Recommendation 50: It is recommended that the principal and vice principal promotion process be revised to:

- Ensure that candidates are informed that accommodation will be provided and invite candidates to let their accommodation needs be known. Candidates should be informed that accommodation may include changing the interview date and time as needed.
- Embed equity-related skills and competencies into the job posting, Supervisor's Report, and interview questions, and
- Update the language used in the job posting to refer to "Indigenous peoples and diverse ethnic and racial communities," and ask for experience working with the members of other communities, including 2SLGBTQ+ communities.

Recommendation 51: It is recommended that interview questions in the principal and vice principal promotion process include a question about the candidate's ability to lead a diverse school community and support the achievement and well-being of marginalized students.

9. Review of Policy and Regulations

This section summarizes our review of LKDSB employment policies, regulations, and administrative procedures. It includes a summary of each document in each of these categories, then identifies issues and areas of concern, if any. Recommendations are then made to strengthen the policy and regulation to comply with equity-related legislation, meet the LKDSB's duty of care as an employer, and support workplace equity, diversity, and inclusion. We also address overarching concerns and identify any gaps in the Board's policy framework.

9.1 Guiding documents

Equity and Inclusive Education Policy and Regulations

The Equity and Inclusive Education Policy and Regulations state the LKDSB's commitment to the principles of fairness, equity, and inclusion and ensuring that they are integrated into all policies, programs, operations, and practices to the benefit of students, staff, and parents/guardians regardless of any human rights protected grounds or any other historical form of marginalization.

The Board recognizes that equity of opportunity and access to programs, services, and resources are critical to the achievement of successful educational and social outcomes for all. The Board has aligned the policy and regulation with Ontario's Equity and Inclusive Education Strategy, which identifies eight areas of focus for policy implementation:

- Board policies, programs, guidelines, and practices
- Shared and committed leadership
- School–Community Relationships
- Inclusive Curriculum and Assessment Practices
- Religious Accommodation
- School Climate and the Prevention of Discrimination and Harassment
- Professional Learning, and
- Accountability and Transparency.

Among other things, the regulations require that:

- The principles of equity and inclusive education permeate and be explicitly stated in all Board policies, programs, guidelines, operations, practices, and Board improvement plan

- Persons with disabilities be accommodated appropriately and in a manner consistent with the Ontario Human Rights Code
- Training be provided for school leaders and hiring managers to facilitate equitable recruitment and hiring practices to reflect Ontario's diverse society
- Any claims of discrimination and/or racism be investigated in a thorough and timely manner and that appropriate action be taken, consistent with the principles of the Code
- Students, parents/guardians, and staff be informed of their right to request accommodation for religious beliefs and practices
- A religious accommodation guideline be prepared in keeping with the Code
- Religious accommodation be provided for students and staff, and
- Procedures be put in place that will enable students, staff, and parents/guardians to report incidents of discrimination and harassment.

No issues were found with this policy and regulation.

9.2 Hiring and promotion

Employee Hiring, Orientation, Deployment, Development, and Training Policy and Regulations

These documents require that employee recruitment occur according to the standards established by legislation, collective agreements, and any other regulations of the Board. They further lay out general requirements for employee orientation, development, and training.

These documents:

- Require recruitment to occur according to the standards and procedures established by federal and provincial legislation and regulations, the collective agreements, and regulations of the Board, and
- Assign the responsibility for orienting new employees to the Superintendent of Human Resources.

No issues were found with these documents.

Teacher Hiring Process Administrative Procedures

In addition to reviewing this policy against the Ontario Human Rights Code and AODA, it was also reviewed against the Ministry of Education's PPM 165 regarding school board teacher hiring practices. This memorandum was developed after the revocation of Regulation 274/12, which required teacher hiring to be based on seniority. It

identifies the components of a teacher hiring policy that school boards are expected to adopt as well as recommended effective practices.

The administrative procedure for the teacher hiring process models the PPM and emphasizes the LKDSB's commitment to student achievement and well-being, inclusive diversity, sustainable stewardship, and trusting relationships to prepare students for success. The Board states that it is critical to have a well-prepared and diverse teacher workforce with the knowledge, skills, and attributes needed to ensure students reach their full potential. The administrative procedure provides direction to the Board on the implementation of fair, consistent, and transparent teacher hiring policies and processes that will improve the ability to achieve and maintain a highly skilled and diverse teacher workforce.

The administrative procedures:

- Commit the Board to removing barriers to the hiring of historically disadvantaged groups; however, similar to the PPM, this document does not name these groups
- Provide guidance on shortlisting, interview preparation, and what to do on the interview day
- References the conflict of interest disclosure policy
- State that the Recruitment Officer will confirm the successful candidate based on the interview score and reference checks
- Require that all interview materials be forwarded to the Recruitment Officer for retention
- State that teacher demographic data will be collected to support efforts to diversify the workforce
- Require that the Board use fair and equitable teacher hiring practices to address underrepresentation in the workforce
- State a commitment to creating an Equitable Employment Plan.

While these procedures include a commitment to creating an Equitable Employment Plan, no such plan is currently in place.

Although the administrative procedures model the PPM, the document could be strengthened in the following ways:

- While the administrative procedures reference the Conflict of Interest Policy, this particular policy could also be incorporated into the procedures to indicate when and how those involved in the hiring process are to disclose such conflicts.

- While the administrative procedures state that the Board will provide accommodation based on needs related to the Code, the document could be improved by specifying how and when candidates will be informed that accommodation will be provided and by asking candidates whether they need accommodation (these practices are also requirements of the AODA). The document could also be strengthened by including a commitment to providing accommodation and indicating that the need for accommodation is not to be considered in the hiring process.
- While the administrative procedures reference “Indigenous peoples” and “historically disadvantaged groups,” the document could be strengthened by specifying the identities of these groups
- Specifying the need for, as well as when and how, Police Records Checks will be conducted as required by the Education Act
- Including the best practice of providing candidates with the interview questions in writing a few minutes prior to the interview
- Specifying the need to conduct outreach recruitment in order to diversify the applicant pool, and
- Committing the Board to taking proactive steps to diversify the workforce.

Recommendation 52: It is recommended that the Teacher Hiring Process Administrative Procedures be revised to address the identified issues.

Non-Teaching Hiring Process Administrative Procedures

These procedures provide guidance on the posting, shortlisting, and interview process. These procedures do not include the same equity considerations included in the Teacher Hiring Process Administrative Procedures, such as the need to collect and analyze demographic data, a commitment to diversifying the workforce, and a commitment to removing barriers to hiring for historically disadvantaged groups. In addition, these procedures do not state that non-teacher hiring will also include the following: qualifications and merit; diversity, equity, and human rights; employment mobility; fairness and transparency; and, monitoring and evaluation.

In addition, the same gaps were identified for these procedures as were found in the Teacher Hiring Process Administrative Procedures.

Recommendation 53: It is recommended that the Non-Teaching Hiring Process Administrative Procedures be revised to embed the equity considerations included in the Teacher Hiring Process Administrative Procedures and address the identified issues.

Interview Guidelines — Elementary and Secondary Teachers Administrative Procedures

The Interview Guidelines — Elementary and Secondary Teachers Administrative Procedures commits the LKDSB to ensuring it follows a fair and consistent process when interviewing applicants.

The procedures cover topics such as interview team composition, interview questions, interview opening, interview conclusion, evaluation of the applicant through consensus and additional items for consideration (cover letter and resume, references, sensitive issues, interview results, interview packages, and successful applicants).

While the procedures provide good guidance for hiring managers, the document could be strengthened by:

- Addressing the need to provide accommodation to job candidates when requested and stating that the need for accommodation should not impact the hiring decision
- Identifying the need for members of the interview panel to take verbatim notes of candidates' responses
- Committing to convening hiring panels that are gender diverse, and, when possible, inclusive of other diversity
- Addressing the need to ask all candidates equity-related questions to assess their alignment with the Board's vision, mission, and belief statement
- Including a requirement to provide the interview questions in writing to the candidates a few minutes prior to the interview, and
- Addressing the need to ensure that nepotism and favouritism do not impact the hiring process.

Recommendation 54: It is recommended that the Interview Guidelines — Elementary and Secondary Teachers Administrative Procedures be revised to address the identified issues.

Selection Process for School Administrators Administrative Procedures

The goal of these procedures is to develop an Administrator Pool to identify candidates that will fill school leader vacancies as they arise. The procedures state that the Principal Pool will consist of all current LKDSB vice principals who have self-identified their interest in the principal position. To identify people for the Vice Principal Pool, the LKDSB issues a posting and implements a selection process.

The procedure describes this selection process and covers topics such as applications, selection components, resume package, Supervisor's Report, and the interview process.

The Board reports that candidates are provided with some interview questions prior to the interview, with additional questions asked at the time of the interview.

Several issues were identified in the procedures:

- The procedures do not include an explicit commitment to diversifying the pool of school leaders at the LKDSB, including through outreach recruitment.
- The procedures do not address the need to offer and provide accommodation during the selection process and a commitment to ensuring that the need for accommodation does not impact the hiring decision.
- The procedures fail to commit to convening hiring panels that are gender diverse, and, when possible, inclusive of other diversity.
- The procedures fail to commit to including interview questions that will assess candidates' equity competencies, including the ability to lead a diverse staff team, an understanding of how students are marginalized by the education system and a commitment to addressing the issues, and their knowledge of and ability to address human rights issues.
- The procedures specify that candidates will have 1 week prior to the interview to prepare their presentation. This puts women who have primary responsibility for child and elder care at a disadvantage, as they may not have as much free time in the evening or over the weekend to prepare their presentation. Allowing for an additional week or more would help mitigate this disadvantage.
- The procedures fail to address the need to ensure that nepotism and favouritism do not impact the hiring process.
- The procedures fail to include the practice of using consensus scoring.
- The procedures do not include the requirement to record candidates' responses to the interview questions, score the responses, and retain these notes for at least 2 years.

- The procedures fail to mention the Board's current practice of offering internal and external candidates information sessions to help them understand the promotion process and requirements. These sessions could also help them understand roles and responsibilities of principals and vice principals, including how school leaders are expected to lead through an equity lens.

Recommendation 55: It is recommended that the Selection Process for School Administrators Administrative Procedures be revised to address the identified issues in order to align the process with best practices and support the LKDSB to hire individuals who possess equity competencies.

Recruiting and Hiring the Supervisory Officers Policy / Recruiting and Hiring the Director of Education / Recruiting and Hiring of the Associate Director and Superintendents

This policy and regulations outline the process for the recruitment and hiring into the positions of Director of Education, associate director, and superintendents.

The regulations for hiring the associate director and superintendents:

- Give the Director of Education the responsibility for recruitment and hiring; determining whether the position will be open to internal applicants only or both internal and external applicants; and convening a Selection Committee to conduct interviews, and
- Commit the Board to conducting the interviews in a fair and consistent manner, aligned with best hiring practices and the Ontario Human Rights Code.

However, the procedures and regulations fail to:

- Address the need to offer and provide accommodation during the selection process and commit to ensuring that the need for accommodation does not impact the hiring decision
- Address the need to ensure that nepotism and favouritism do not impact the hiring process
- Commit to recording the responses to the interview questions, scoring the responses, and retaining these notes for at least 2 years
- Commit to including interview questions that will assess candidates' equity competencies, including the ability to lead a diverse staff team, an understanding of how students are marginalized by the education system and a commitment to addressing the issues, and their knowledge of and ability to address human rights issues.

The regulations that guide the recruiting and hiring of the Director of Education allow for the Board to secure the services of a management consultant to support the selection process, with Trustees conducting the interviews and making the hiring decision.

However, these regulations fail to:

- Commit to including interview questions that will assess candidates' equity competencies, including the ability to lead a diverse staff team, an understanding of how students are marginalized by the education system and a commitment to addressing the issues, and their knowledge of and ability to address human rights issues
- Address the need to offer and provide accommodation during the selection process and a commitment to ensuring that the need for accommodation does not impact the hiring decision, and
- Commit to providing Trustees with training to ensure that they are engaged in a fair and bias-free hiring process that selects a Director of Education who will support and be able to implement the province's and Board's commitment to equity.

Recommendation 56: It is recommended that the Recruiting and Hiring the Supervisory Officers Policy, Recruiting and Hiring the Director of Education, and Recruiting and Hiring of the Associate Director and Superintendents be revised to address the identified issues.

Criminal Background Check Policy and Administrative Procedures

The Criminal Background Check Policy and Administrative Procedures specify that all new Board hires that come into close contact with students will obtain a criminal background check (specifically a Vulnerable Sector Screening), except as outlined under Ontario Regulation 521/01. All offers of employment with the Board will be conditional upon the applicant supplying the required criminal background check. In addition, it requires that an Offences Declaration be collected annually from existing employees who come into close contact with students.

While these documents specify that a criminal background check is required for employees "that come into close contact with students," the Education Act requires school boards to conduct criminal background checks for all employees, not just those in close contact with students.

Where an applicant has a criminal conviction, the Board will consider the following when determining the appropriate course of action:

- Length of time since offence
- Any involvement of children and/or sexual activity and/or violence and/or acts of dishonesty in the offence
- Employment history
- Employee's attitude toward the offence
- Any treatment, counselling, or other services received since the offence
- Other steps taken to rehabilitate
- Any likelihood the offence will be repeated
- If alcohol or illegal drugs were a factor in commission of the offence
- Degree of co-operation with this investigation
- If the offence was committed while employed by the Board
- If the employee is a teacher, relevance of the offence to teacher duties as set out in the Education Act and Regulations
- If employee is not a teacher, relevance of the offence to their employment duties, and
- Whether the offence require any action pursuant to the Student Protection Act (including notifying the Ontario College of Teachers).

Recommendation 57: It is recommended that the Criminal Background Check Policy and Administrative Procedures be revised to ensure that criminal background checks and the annual Offences Declaration are required of all employees.

Adjudication of Existing Staff with Criminal Records Administrative Procedures

These procedures provide guidelines for assessing whether employees with a positive criminal background check currently pose a risk to the safety of students and staff.

It provides guidance to the Human Resources Manager on how to conduct an investigation and determine an appropriate course of action should an employee have a criminal record.

No issues were identified with these procedures.

9.3 Training and development

Attendance at Professional Learning Opportunities Administrative Procedures

The Attendance at Professional Learning Opportunities Administrative Procedures support all staff to be lifelong learners. While staff are encouraged to take advantage of such opportunities, they are also advised that doing so will require approval from the Principal/Superintendent. Staff are also expected to balance these learning opportunities with their professional duties to avoid negatively impacting the learning of students and operation of the school and school community.

There are separate processes for staff as well as school administrators and managers to secure approval for their respective professional learning opportunities.

Recognizing that approval to attend professional learning opportunities can be impacted by bias, these procedures could be strengthened by providing guidance to managers and principals that the approval process should be carried out in an equitable manner that supports access to learning opportunities for all employees.

Recommendation 58: It is recommended that the Attendance at Professional Learning Opportunities Administrative Procedures be revised by providing guidance to managers and principals that the approval process should be carried out in an equitable manner that supports access to learning opportunities for all employees.

9.4 Health and safety

Occupational Health and Safety Policy and Regulations

The Occupational Health and Safety Policy and Regulations emphasize the LKDSB's commitment to providing a safe and healthy environment through compliance with the Occupational Health and Safety Act, and all other applicable health and safety legislation, in order to protect staff, students, and visitors and reduce workplace injury and illness.

These documents commit the Board to providing adequate training and ensuring that equipment, materials, and protective devices are maintained in good condition.

These documents also require that workers support the Board's health and safety initiatives and report any hazardous conditions, injury, accident, or illness.

No issues were found with this policy or regulations.

Alcohol and Drugs Policy and Regulations

The Alcohol and Drugs Policy and Regulations prohibit the possession and use of alcohol and unauthorized drugs by students and employees, Trustees, parents/guardians, volunteers, guests, visitors, contractors, and service providers while on Board property. These documents also prohibit the establishment of bar facilities for serving alcohol in any of the Board's schools or offices.

The documents recognize that people require prescription drugs or over-the-counter medicines to maintain their health or address disease. The regulation requires individuals to disclosed prescribed or authorized drug use that may impair their ability to perform assigned duties safely and effectively. The illegal and irresponsible use of alcohol and drugs are also prohibited.

The regulations acknowledge the Board's duty to accommodate employees with medical conditions. However, the document does not recognize that drug dependence is considered a disability under the Ontario Human Rights Code and commit the Board to providing accommodation, short of undue hardship.³⁹

The implementation of this policy could also be supported by providing additional guidance to Human Resources staff, managers, and school leaders.⁴⁰ Employees should also be provided with information on the supports available to them, such as the Employee Assistance Program, should they be dealing with substance dependence.

Recommendation 59: It is recommended that the Alcohol and Drug Policy and Regulations be revised to recognize that substance dependence is considered a disability under the Ontario Human Rights Code and that the Board will accommodate employees with substance dependence, short of undue hardship.

Recommendation 60: It is recommended that employees, managers, and school leaders be provided with additional guidance and supports on accommodating substance dependence and that employees be informed of the supports available to them if they are dealing with substance dependence.

³⁹ Ontario Human Rights Commission. (2014). Human rights, mental health and addiction disabilities (brochure). <https://www.ohrc.on.ca/en/human-rights-mental-health-and-addiction-disabilities-brochure>

⁴⁰ See for example: Canadian Human Rights Commission. (2017). Impaired at work: A guide to accommodating substance dependence. https://www.chrc-ccdp.gc.ca/sites/default/files/publication-pdfs/chrc_impaired_at_work_v2018-3_eng.pdf

Tobacco, Cannabis, and Smoke-Free Environment Administrative Procedures

The Tobacco, Cannabis, and Smoke-Free Environment Administrative Procedures commit the LKDSB to providing a smoke-free environment for all members of the school community.

Exemptions are provided for the use of tobacco for traditional Indigenous cultural or spiritual purposes. The procedures commits the Board to accommodating requests to use tobacco for traditional Indigenous cultural or spiritual purposes.

No issues were found with these procedures.

9.5 Accessibility and accommodation

Multi-Year Accessibility Plan (September 2022 to December 2025)

The AODA requires the Board to create and post a Multi-Year Accessibility Plan to outline how it will identify, prevent, and remove barriers for persons with disabilities.

The plan includes the Board's methodology for identifying barriers, and mentions the barriers addressed under the previous Multi-Year Accessibility Plan. It also specifies how the Board will implement the Customer Service Standards, Employment Standards, Transportation Standards, Design of Public Space Standards, and procurement. The plan addresses issues of accessibility related to employment.

However, while it specifies that individualized emergency response plans will be developed for persons with disabilities, no policy or procedures address this requirement.

Recommendation 61: It is recommended that the Board address the need to create individualized emergency response plans for employees with disabilities.

Accessibility in Employment Policy and Regulations

The Accessibility in Employment Policy and Regulations ensure that persons with disabilities have the same opportunity for access to employment opportunities and services as all other employees and prospective employees. These documents state the Board's commitment to meeting the accessibility needs of employees with disabilities in a timely manner. However, the policy fails to mention the legislative framework that guides the Board's commitment to accessibility in employment, namely the Ontario Human Rights Code and the AODA.

The policy supports compliance with the AODA by addressing the need to provide accommodation in the hiring process, performance management process, and career development; provide communication in accessible formats; and ensure that persons

with disabilities have individualized workplace emergency plans and individual accommodation plans as needed.

No issues were found with this policy.

Disability Support Program Administrative Procedures

The Disability Support Program Administrative Procedures set out the process for supporting employees who need to use sick leave and short-term leave disability program benefits. These procedures recognize that there will always be some level of absenteeism and commit the Board to supporting the health of employees. The document also provides guidance on the reporting of absences and disability management.

The procedures are meant to establish a fair and consistent process for addressing absences due to illness, injury, or disability; establish individualized return to work plans by allowing employees to perform their essential duties through reasonable accommodations, as per their medical restrictions/limitations, as supported by medical documentation and without causing undue hardship to the Board; facilitate return of employees to their original position and work location where possible; and supplement the Board's other policies and procedures with respect to employee attendance.

The responsibilities of the Board, Human Resources Department, principals, supervisors, employees, unions, and federations in upholding these procedures are also outlined.

The procedures outline the processes for reporting 5 or more consecutive absences as well as more than 5 consecutive absences. Also specified is when medical confirmation may be needed for absences. It states that at no time shall the Board contact the employee's medical practitioner directly without advance consent from the employee.

When an employee is absent for 5 or fewer days, the procedures state that "The Board may ask an employee to provide medical documentation to substantiate an Absence should the Board believe the circumstances warrant it." However, no additional information is provided as to how the Board will ensure that requests for medical documentation are free from bias. Under the Employment Standards Act, employers can ask for a sick note as long as the request is reasonable. This depends on:

- The length of the leave
- Whether there is a pattern of absences
- Whether any medical evidence is available
- The cost of the medical evidence the employer wants.

Including this guidance in the procedures will help ensure that requests for sick notes are not based on biases.

The procedures also outline the return to work process for occupational and nonoccupational injuries as well as the Disability Support Program.

Recommendation 62: It is recommended that the Disability Support Program Administrative Procedures be revised to address the identified issues.

Modified/Rehabilitative Work Following an Injury or Illness Administrative Procedures

These procedures recognize that modified and rehabilitative work make a valuable contribution to a more rapid recovery after an employee has experienced an injury or illness. It states that in addition to accommodating the employee's established medical capabilities, the modified or alternative work must be meaningful and productive for both the employee and the Board.

It specifies a process that includes:

- The role of the Wellness Officer in the return to work process
- The process to modify the employee's job
- The need to keep the employee's medical information confidential, and
- The role of the employee and union/federation.

While the procedures allow for the identification of alternative work, they do not specify that this includes arranging for alternative work in another bargaining unit. 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 an employee. 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:

- 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) BCCA #72 (QL) (Lanyon), it was held that the duty to accommodate may require an employer to place someone outside of the bargaining unit.

In addition, per the Ontario Human Rights Commission's Primer Guide on Developing Human Rights Policies and Procedures,⁴¹ these procedures fail to address a number of important issues, such as:

- Specifying the principles of accommodation
- Stating that employees who need accommodation should not experience reprisal for making an accommodation request
- Specifying that the Board should collect information from the employee only as necessary
- Specifying that the cost of any expert advice will be borne by the Board, and
- Stating that medical information will be maintained in a secure location, separate from the accommodation seeker's personnel file, and will be shared only with persons who need the information.

Recommendation 63: It is recommended that the Modified/Rehabilitative Work Following an Injury or Illness Administrative Procedures be revised to address the identified issues.

Use of Service Dogs by Students, Staff, and Community Members Policy, Regulations, and Administrative Procedures

The Use of Service Dogs by Students, Staff and Community Members Policy, regulations, and administrative procedures commit the LKDSB to providing services for students, staff, and community members that respect the independence and dignity of persons with disabilities, including those who use specially trained service dogs to accommodate their needs.

The procedures include information for staff requesting service dog involvement in the workplace. Staff who make this request are responsible for cooperating with the LKDSB to ensure that the accommodation is a success, that the health and safety of all school community members is maintained, and that they are taking care of the

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

service dog's needs. Part of this evaluation requires the supervisor to investigate whether anyone has any severe medical or psychological reactions to dogs that may prevent or restrict the involvement of the service dog in the workplace.

These documents could be strengthened by:

- Adding the need for supervisors to also investigate if there are other Code-protected grounds that may prevent or restrict the involvement of the service dog in the workplace, specifically in relation to creed and specifically those of the Muslim faith
- Referencing the need to balance competing human rights should there be other employees or students with disability- or creed-related issues to consider.⁴² Each competing human rights situation will need to be assessed and resolved on a case-by-case basis in alignment with the Commission's guidance.
- Adding the information that, as per the AODA's Customer Service Standards, a service dog should be able to go almost everywhere the employee goes, with the exceptions including places where food is made but not where it is served.

Recommendation 64: It is recommended that the Use of Service Dogs by Students, Staff, and Community Members Policy, Regulations, and Administrative Procedures be revised to address the identified issues.

9.6 Respectful workplace

Workplace Discrimination, Workplace Harassment, Workplace Sexual Harassment, and Workplace Violence Prevention Policy, Regulations, and Administrative Procedures

These documents provide the policy framework for fostering working and learning environments that are safe, respectful, and free from all forms of workplace discrimination, harassment, sexual harassment, and violence.

These documents were reviewed against the Ontario Human Rights Commission's guidance for developing anti-harassment and anti-discrimination policies⁴³ as well

⁴² Ontario Human Rights Commission. (2012). Policy on competing human rights. <https://www.ohrc.on.ca/en/policy-competing-human-rights>

⁴³ Ontario Human Rights Commission. (2013). 5. Anti-harassment and anti-discrimination policies. In A policy primer: Guide to developing human rights policies and procedures. <https://www.ohrc.on.ca/en/policy-primer-guide-developing-human-rights-policies-and-procedures/5-anti-harassment-and-anti-discrimination-policies>

as requirements regarding workplace violence and harassment in the Occupational Health and Safety Act.⁴⁴

The documents:

- Apply to all employees, among other groups
- Commit the Board to preventing, identifying, and correcting behaviour that, left unchecked, would result in discrimination, harassment, workplace violence, or workplace sexual harassment or allow it to occur
- Commit the Board to conducting investigations
- Commit the Board to communicating the results of the investigation, including any corrective action, in writing to the person that has allegedly experienced workplace harassment
- Define the workplace as including all locations or situations in which activities related to LKDSB business are carried out, including schools, Board offices, social functions, conferences, and work-related travel
- Define and provide examples of discrimination, harassment, sexual harassment, and workplace violence
- Provide the procedures for making and investigating a complaint
- Identify penalties and remedies
- Identify the roles and responsibilities of the Conflict Resolution Coordinator; Administrators, Managers, and Supervisors; and Trustees and employees, and
- Outline the informal complaint procedure, the formal complaint procedure, as well as the investigation process.

The documents state that the regulation and administrative procedures will be reviewed on an annual basis.

The documents could be strengthened by:

- Defining failure to accommodate, condonation, poisoned environment, reprisal, interference, and malicious or bad faith complaints
- Stating that complaints will be addressed whether or not they are made in writing

⁴⁴ Ministry of Labour, Immigration, Training and Skills Development. (2022). Part III.0.I: Workplace violence and workplace harassment. In Guide to the Occupational Health and Safety Act. <https://www.ontario.ca/document/guide-occupational-health-and-safety-act/part-iii0i-workplace-violence-and-workplace-harassment>

- Specifying the rights of the complainant and respondent in the investigation process
- Specifying that the policy also applies to online and virtual workspaces
- Removing “same-sex partnership status” as a protected ground, as it is not
- Providing more detail after each protected ground, such as specifying that the ground of sex also includes pregnancy and breastfeeding/chestfeeding, that family status refers to the status of being in a parent–child relationship, and that marital status includes married, single, widowed, divorced, separated, or living in a conjugal relationship outside of marriage, whether in a same-sex or opposite-sex relationship.
- Specifying that in addition to harassment and discrimination based on the protected grounds, association or relationship with a person identified by one of the above grounds and perception that one of the above grounds applies are also covered by the Code and policy.
- Specifying that gender-based harassment is also included as sexual harassment
- Ensuring that those handling complaints have the appropriate training and skills to do so in order to ensure employees’ trust in the process
- Providing clearer guidance on the process for determining what complaints are appropriate to refer to mediation (where there is mutual consent, etc.) and which are not (i.e., where there is a significant power imbalance, serious complaints of sexual harassment, etc.)
- Developing and providing an official complaint form that incorporates the elements specified in the administrative procedure and provides a consistent and standardized way of documenting the complaint rather than relying on individualized notes. This form could also empower complainants to express their complaint in their own words.
- Expanding the list of persons who can provide support to the complainant and respondent during the investigation to include legal counsel (at their own expense), a translator/interpreter, or a counsellor
- Adding workplace restoration as another post-investigation remedy to repair relationships and restore the workplace environment to make it healthy
- Adding an appeal mechanism, limitation period for filing a complaint, and provisions on records retention

- Specifying that the provisions in this policy and procedures in no way affect the right of any person to exercise their rights under the Ontario Human Rights Code, within the time limits specified by that legislation, and
- Specifying the time frame within which a complaint is to be made (e.g., within 1 year of the incident).

The procedures specify that in cases where the investigator finds that the respondent has engaged in conduct or behaviour inconsistent with the regulation, a written record of the incident (e.g., the complaint, the investigator's final report, and a description of the disciplinary action taken, if any) will be maintained in the respondent's official human resources file. However, guidance from the Ontario Human Rights Commission states that documents related to the complaint should be retained by Human Resources, separate from personnel files. Only disciplinary action should be included in the respondent's file. No information about the complaint should be included in the complainant's file.

In 2009, the Occupational Health and Safety Act was amended to address, among other things, incidents of intimate partner violence that come into the workplace. The Act now states:⁴⁵

If an employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace, the employer shall take every precaution reasonable in the circumstances for the protection of the worker.

The Act requires that employers develop a workplace violence program that includes measures and procedures for:

- Controlling risks identified in the assessment of risks
- Summoning immediate assistance when workplace violence occurs or is likely to occur, and
- Workers to report incidents of workplace violence.

This policy, however, does not reference the Board's obligations under the Act.

The policy and procedures could also be strengthened by requiring the Board to compile an annual summary of incidents that will be presented to the Director of Education to enable the identification of any trends and systemic issues that may need to be addressed.

⁴⁵ Occupational Health and Safety Act, RSO 1990, c O.1, s 32.0.4. <https://www.ontario.ca/laws/statute/90o01#BK62>

Recommendation 65: It is recommended that the Workplace Discrimination, Workplace Harassment, Workplace Sexual Harassment, and Workplace Violence Prevention Policy, Regulations, and Administrative Procedures be revised to address the identified issues.

9.7 Attendance and leaves

Attendance Support Program Policy, Regulations, and Administrative Procedures

These documents are focused on supporting both the individual and the organization so that all employees can attend work regularly and enhance learning opportunities for students.

The Attendance Support Program (ASP) is supported by the Disability Support Program. In addition, the Employee Assistance Program is made available to employees who require help to resolve health or other personal problems. Employees also have a responsibility to participate in the ASP.

The procedures specify the principles that guide the ASP, including:

- Treating absences consistently and equitably across the organization
- Providing assistance and support for employees who are absent from work, and
- Ensuring employees play an active role in managing, and taking ownership of, their own attendance.

The procedures define culpable and non-culpable absenteeism. Culpable absenteeism is dealt with through progressive discipline, while non-culpable absences are managed in a non-disciplinary manner.

The ASP is intended to be a non-disciplinary process that provides a structure to review and address the individual circumstances of each employee. It also specifies the roles and responsibilities of the employee, principal/supervisor, senior management, Human Resources, and unions.

No issues were identified with these documents.

9.8 Personnel

Conditions of Employment for Management and Non-Union Employees Administrative Procedures

These procedures cover the conditions of employment, including payment of salaries, performance appraisals, sick plans, workplace safety and insurance, leaves

of absence, the deferred salary leave plan, and benefit packages for the specified employee groups.

While these documents address statutory holidays, vacation entitlement, and various leaves, it does not state that employees are entitled to time off for creed observances.

Recommendation 66: It is recommended that the Conditions of Employment Administrative Procedures state that employees have access to time off for creed observances.

Conflict of Interest — Employees, Volunteers, and Trustees Policy, Regulations, and Administrative Procedures

These documents address the need for the Board to safeguard the public interest and trust in public education by identifying and acting on potential and perceived conflicts of interest.

The procedures define and address potential, apparent, and actual conflicts of interest where an employee's financial or other personal interest, whether direct or indirect, conflicts or appears to conflict with the employee's responsibility to the Board. The procedures also include any conflict with the employee's participation in any recommendation or decision pertaining to hiring within the Board. It specifically includes as a conflict of interest participating in, or influencing the outcome of the appointment, hiring, promotion, supervision, or evaluation of a person with whom the employee has, or has had, a relationship.

The procedures specify that contraventions of the procedures may lead to disciplinary action, including dismissal.

No issues were found with these documents.

Disconnecting From Work Administrative Procedures

Per recent revisions to the Employment Standards Act, these procedures commit the Board to providing employees with the opportunity to balance work and home life by removing the obligation to engage in work-related communications outside of regular work hours.

The procedures apply to all employees, whether their work is remote, on site in the workplace, or mobile. The procedures do not prevent the Board or employees from contacting colleagues, other employees, and students and/or families outside of regular working hours for circumstances outlined in the procedure (such as emergencies and unforeseen circumstances) or as otherwise required to meet business needs, subject to any rights/entitlements the receiving colleague/employee may have under the Employment Standards Act.

No issues were found with these procedures.

Identification Badges for Employees Administrative Procedures

These procedures require that all adults working, volunteering, or otherwise visiting in schools or Board premises wear clearly displayed identification badges to enable them to be easily identified.

The procedures outline the responsibility of Human Resources to take photographs of the person and manufacture identification badges.

The procedures could be strengthened by recognizing that some employees may require accommodation, particularly Muslim women who wear the niqab face covering.

Recommendation 67: It is recommended that the Identification Badges for Employees Administrative Procedures specify that accommodation will be provided as needed.

Employee Discipline and Employees “Under Review” Policy and Regulations

The Employee Discipline and Employees “Under Review” Policy and Regulation outline the employee discipline process and the process of formally placing a non-teaching employee “under review” when the performance appraisal process identifies a major deficiency in an employee’s job performance or where there are incidents of questionable judgement.

For teachers and principals, supervisors are to use the Ministry of Education Appraisal Processes. It also further specifies the “under review” and disciplinary letter process.

No issues were found with this policy and regulations.

Performance Appraisal of Staff Policy, Regulations, and Administrative Procedures (Teaching and Non-Teaching Staff)

These documents commit the Board to conducting performance appraisals for all employees according to established timelines, as the Board believes that performance appraisals optimize student learning; acknowledge and commend the excellent work of employees; enable planning for continuous growth and improvement; and assist in making personnel decisions.

One regulation relates to performance appraisal of teaching staff, and the other to performance appraisal of non-teaching staff. The regulation requires that superintendents and principals conduct a performance appraisal for each teacher in accordance with Ministry of Education requirements.

These documents could be strengthened by requiring that equity competencies, relevant to their role, be embedded within employee performance appraisals.

The AODA requires that employers ensure that their performance management and career development processes are accessible.⁴⁶ This policy, regulations, and administrative procedures should therefore reflect this requirement to ensure that documents, coaching, and feedback are provided in the formats that work best for each employee.

Recommendation 68: It is recommended that the Performance Appraisal of Staff Policy, Regulations, and Administrative Procedures be revised to ensure that employees are assessed in relation to equity competencies, relevant to their role, and that employees be provided with the needed accommodation throughout the process.

Communications and Social Media Policy, Regulations, and Administrative Procedures

These documents support the legal, efficient, relevant, and morally responsible use of social media.

The regulation specifies that LKDSB social media sites and accounts are not for personal use and that comments related to personal issues with the Board, a school, staff member, or student will be removed. The LKDSB also reserves the right to delete comments that, among other things, violate LKDSB policies, regulations, or administrative procedures, or comments that are personal attacks, threatening, or otherwise offensive or discriminatory.

Employees are also cautioned to exercise professional discretion in using their personal and professional social media accounts. Failure to do so may result in disciplinary action.

The administrative procedures specify a number of conditions under which comments will be deleted, including those considered to be spam, off-topic or disruptive, and personal attacks, insults, or threatening language. These documents could be strengthened by:

- Adding that the LKDSB will delete social media comments that constitute either discrimination or harassment, including those based on a Code-protected ground as well as those that are not
- Adding that the LKDSB will delete social media comments that are not consistent with the Board's commitment to equity, diversity, and inclusion, and

⁴⁶ Kovac, L. (2018, November 5). What is the Employment Standard? AODA.ca. <https://www.aoda.ca/what-is-the-employment-standard/>

- Adding that the LKDSB will delete social media comments—and report them to the police—if they are hateful or threatening toward identifiable people or groups or incite others to violence against others.

Recommendation 69: It is recommended that the Social Media and Communications Policy, Regulations, and Administrative Procedures be revised to specify that the LKDSB will also:

- Delete social media comments that constitute either discrimination or harassment, including those based on a Code-protected ground as well as those that are not
- Delete social media comments that are not consistent with the Board's commitment to equity, diversity, and inclusion, and
- Delete social media comments—and report them to the police—if they are hateful or threatening toward identifiable people or groups or incite others to violence against others.

Tragic Events Response Policy, Regulation, and Administrative Procedure

These documents commit the Board to maintaining a Tragic Event Response Team (TERT) to respond in circumstances of a tragic nature that may require providing support to students, staff, and the larger school communities.

The regulation specifies that a tragic event may include a significant traumatic event such as the death of a student or staff member, a distressing accident or injury, and/or a community disaster that adversely impacts these groups. The administrative procedures focus on the TERT's mandate, composition, terms of engagement, membership, team roles, and resources.

These documents could be strengthened by expanding the definition of a tragic event to include events that relate to human rights, racism, and other forms of oppression that may be traumatic for students and staff. In addition, the Board should respond to not only local tragic events, but also those which occur in other parts of the country or internationally that may impact local diverse communities. The Board should commit to ensuring that the support provided is culturally relevant to staff.

Recommendation 70: It is recommended that the Tragic Events Response Policy, Regulations, and Administrative Procedures be revised to:

- Expand the definition of a tragic event to include events that relate to human rights, racism, and other forms of oppression

- Include not only local tragic events, but also those which occur in other parts of the country or internationally that may impact local diverse communities, and
- Ensure that the support provided is culturally relevant to staff from diverse communities, backgrounds, and identities.

9.9 Policy gaps

A number of policy gaps were identified in the LKDSB's Human Resources policy framework.

Accommodation

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

Developing a separate policy specifically related to accommodating employees with disabilities would help ensure that the LKDSB complies with the AODA's requirement to develop and document individual accommodation plans through a process that specifies:⁴⁷

- How an employee requesting accommodation can take part in developing the plan
- The steps to protect the confidentiality of the worker's personal information
- How and how often the plan will be reviewed and updated
- An explanation of why the individual accommodation plan was denied, if applicable
- How the plan will be given in a format accessible to the worker
- That an employee can request that a rep from the workplace or union can take part in developing the plan, and
- That the employer can request an evaluation by an outside medical or other expert, at the employer's expense, to assist the employer in determining whether or how accommodation can be achieved.

⁴⁷ Kovac, L. (2018, November 5). What is the Employment Standard? AODA.ca. <https://www.aoda.ca/what-is-the-employment-standard/>

Recommendation 71: It is recommended that the LKDSB develop an Accommodation Policy to address the Board’s obligations to provide accommodation based on any human rights protected grounds. The Board may want to consider developing one accommodation policy for persons with disabilities and another accommodation policy that deals with accommodation related to the other Code-protected grounds.

Scent-Aware Workplace Policy

Under the Ontario Human Rights Code, employers are legally obligated to accommodate persons with disabilities, where disabilities may include asthma, allergies, and even sensitivity to fragrance.⁴⁸ In addition, the Canadian Centre for Occupational Health and Safety encourages employers to be proactive about providing a scent-free workplace.⁴⁹

The policy should frame scent sensitivity within the context of human rights and specify that scent sensitivity may be a disability. It should state that the Board has a duty to accommodate employees with such a disability, short of undue hardship. A Scent-Aware Workplace Policy is recommended by various organizations, including the Canadian Centre for Occupational Health and Safety⁵⁰ and the Canadian Human Rights Commission.⁵¹ In addition, labour and employment lawyers recommend that employers develop a policy to create scent-free workplaces.⁵²

. . . 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.

⁴⁸ Ontario Human Rights Commission. (2016). 8. Duty to accommodate. In Policy on ableism and discrimination based on disability. <https://www.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability/8-duty-accommodate>

⁴⁹ Canadian Centre for Occupational Health and Safety. (2019, January 4). Scent-free policy for the workplace. OSH Answers Fact Sheets. https://www.ccohs.ca/oshanswers/hsprograms/scent_free.html

⁵⁰ Canadian Centre for Occupational Health and Safety. (2019, January 4). Scent-free policy for the workplace. OSH Answers Fact Sheets. https://www.ccohs.ca/oshanswers/hsprograms/scent_free.html

⁵¹ Canadian Human Rights Commission. (2019). Environmental sensitivity and scent-free policies. https://publications.gc.ca/collections/collection_2021/ccdp-chrc/HR4-46-2-2019-eng.pdf

⁵² Crawford Chondon & Partners LLP. (2012). Do employers have a duty to accommodate employees with scent sensitivity? <https://www.ccpartners.ca/blog/details/the-employers-edge/2012/09/06/doemployers-have-a-duty-to-accommodate-employees-with-scent-sensitivity>

Recommendation 72: It is recommended that the LKDSB develop a Scent-Aware Workplace Policy to reflect the organization’s obligation to accommodate an employee with scent sensitivity, short of undue hardship.⁵³ This policy and supporting procedures should include processes to:

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

Chosen Names and Pronouns Policy

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

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

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

⁵³ See for example the following policies:

Middlesex-London Health Unit & Ottawa Public Health. (2001). 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. (2011). Scent free policy. <https://www.torontocas.ca/scent-free-policy>

Recommendation 73: It is recommended that the LKDSB develop a policy and procedures for employees to identify their chosen name, if it differs from their legal name, upon hiring (and potentially even during interviewing), as well as procedures to support the use of their chosen name, except in circumstances where use of their legal name is required.

Recommendation 74: It is recommended that the LKDSB educate staff about employees' use of preferred names and pronouns.

Accommodating Medical Marijuana in the Workplace Policy

This policy applies to the need for the Board to accommodate medical marijuana use under the Ontario Human Rights Code while addressing the employer's obligations under the Occupational Health and Safety Act. Since the legalization of cannabis in Canada, many school boards have developed a policy to address the medical use of marijuana.

Operating procedures should outline the responsibilities of both the employee and employer, and the employer's duty to provide accommodation to the point of undue hardship. It should also offer protection and support to people who have or are perceived to have an addiction to cannabis based on the ground of disability.

Recommendation 75: It is recommended that the Accommodating Medical Marijuana in the Workplace Policy be developed to address the legal obligation of the Board to provide accommodation to the point of undue hardship and extend protections to people who have or are perceived to have an addiction to cannabis.

Accommodating and Supporting Gender Identity and Gender Expression Policy and Administrative Procedures

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

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

Recommendation 76: It is recommended that a policy and administrative procedures be developed to address the LKDSB's duty to accommodate and support the full inclusion of employees from all gender identities and gender expressions.

Employment Equity Policy

An Employment Equity Policy would commit the Board to using fair, consistent, transparent, and nondiscriminatory hiring practices and to identifying and removing barriers for Indigenous peoples and members of the equity-seeking groups in order to remove barriers to their hiring, advancement, and full inclusion throughout the organization.

This policy would commit the LKDSB to:

- Identifying and removing discriminatory barriers to the hiring, advancement, and inclusion of Indigenous peoples and members of the equity-seeking groups
- Creating working environments that are free from discrimination and harassment
- Identifying barriers to hiring, promotion, and full inclusion by periodically conducting a Staff Census and Equity Audit
- Developing an Employment Equity Plan to close gaps in representation and remove employment barriers identified through the Staff Census and Equity Audit
- Implementing measures to remedy past discrimination
- Implementing measures to prevent future barriers, and
- Fostering an inclusive and welcoming work environment.

Recommendation 77: It is recommended that the LKDSB develop an Employment Equity Policy and operating procedures to support its implementation.⁵⁴

⁵⁴ See for example:

City of Toronto. (2000). Employment equity policy. <https://www.toronto.ca/city-government/accountability-operations-customer-service/city-administration/corporate-policies/people-equitypolicies/employment-equity-policy/>

McMaster University. (2017). Employment equity policy and recruitment statement. <https://hr.mcmaster.ca/app/uploads/2019/01/Employment-Equity-Policy-May-26-2017-1-51.pdf>

Exit Interviews Policy and Administrative Procedures

Conducting exit interviews and allowing exiting employees to anonymously share their feedback is a best practice for obtaining honest feedback on an 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 personnel, 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 78: It is recommended that the LKDSB embed in policy the need to conduct exit interviews with employees who voluntarily resign from the organization as well as those who transfer between positions within the organization. The exit interviews should include questions about the employee's experiences working with the organization and work team or school. The questions should also allow the LKDSB to analyze employees' reasons for leaving by identity group to better understand the experiences of Indigenous employees and those from the equity-seeking groups and how these experiences may have contributed to their departure from the organization or movement within the organization.

Recommendation 79: It is recommended that, on an annual basis, Human Resources summarize information from the exit interviews, by identity group, to present to the Director of Education in order to identify areas of concern and develop plans to address the identified concerns with respect to equity, diversity, and inclusion.

Ethics and Integrity Reporting (Whistleblower) Policy

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

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

Recommendation 80: It is recommended that the Ethics and Integrity Reporting (Whistleblower) Policy be developed to specify that all employees are responsible for reporting any misconduct, identify a reporting and investigation process, specify consequences for false reporting, protect reporters from reprisal, and include an annual review of a summary of incidents to inform necessary changes to the policy and education of employees.

9.10 Common issues with policies

Use of gendered language

Gendered language is used throughout the policies, regulations, and administrative procedures reviewed, perpetuating a gender binary system of male and female through the use of pronouns such as “his/her,” “him/her,” “himself,” and “herself.” The use of “her” is also used to describe pregnancy, which is no longer limited to only female-identifying employees but can also include transgender employees.

Recommendation 81: It is recommended that gendered language be removed from all employment policies, regulations, and administrative procedures as they progress through the policy review process. Instead, the gender-inclusive pronouns “they” and “their” should be used.

Lack of voluntary option to disclose gender pronouns

Forms such as the ones used in performance appraisals and work from home agreements do not include an optional field for an employee to disclose their gender pronouns. Including such an option would help to prevent the misgendering of an employee.

Recommendation 82: It is recommended that all Human Resources forms allow people to indicate their pronouns, including non-binary gender pronouns.

Policy review cycle

Some of the policies and regulations reviewed were last revised almost a decade ago. The Board should ensure that these documents are reviewed at least every 5 years.

Recommendation 83: It is recommended that the Board develop a policy review cycle to ensure that each policy, regulation, and administrative procedure is reviewed at least every 5 years and that each document be reviewed through an equity lens.

Appendix—Policies, Regulations, and Administrative Procedures Reviewed

Accessibility in Employment Policy and Regulations
 Adjudication of Existing Staff with Criminal Records Administrative Procedures
 Alcohol and Drugs Policy and Regulations
 Animals in the Classroom Administrative Procedures
 Attendance at Professional Learning Opportunities Administrative Procedures
 Attendance Support Program — Employees Policy, Regulation, and Administrative Procedures
 Board Issued Cellular Phone Use Administrative Procedures
 Cellular Phone Use — Board Issued Administrative Procedures
 Conditions of Employment for Management and Non-Union Employees Administrative Procedures
 Conflict of Interest — Employees and Volunteers Policy and Administrative Procedures
 COVID-19 Administrative Procedures
 Criminal Background Check Policy and Administrative Procedures
 Development and Review of Board Policies and Regulations
 Disability Support Program Administrative Procedures
 Disconnecting from Work Administrative Procedures
 Employee Discipline and Employees “Under Review” Policy and Regulations
 Employee Electronic Monitoring Administrative Procedure — DRAFT
 Employee Hiring, Orientation, Deployment, Development, and Training Policy and Regulations
 Employee Recognition and Retirement Policy and Regulations
 Equity and Inclusive Education Policy and Regulations
 Expense Reimbursement for Staff, Trustees, and Student Trustee Policy and Regulations
 Fifth Disease Administrative Procedures
 Footwear Safety Guidelines Administrative Procedures
 Head Lice — Pediculosis Administrative Procedures
 Hearing Loss Prevention Program Administrative Procedures
 Hot Weather Procedures and West Nile Virus Administrative Procedures
 Identification Badges for Employees Administrative Procedures
 Incident Reporting Administrative Procedures
 Inclement Weather Policy and Regulation Administrative Procedures
 Interview Guidelines — Elementary and Secondary Teachers Administrative Procedures
 Leadership Recruitment Administrative Procedures
 Leave of Absence for Involvement in Provincial Educational Associations Administrative Procedures
 Lockout Procedures — Hazardous Energy Control Administrative Procedures

Modified and Rehabilitative Work Administrative Procedures
Non-Teaching Hiring Process Administrative Procedures
Occupational Health and Safety Policy and Regulations
Performance Appraisal of Staff Policy and Regulation Administrative Procedures
Position Description for the Director of Education and Secretary of the Board Policy
Privacy Breach Protocol Administrative Procedures
Prohibition of Entrepreneurial Activities by Employees Policy and Regulations
Recruiting and Hiring the Supervisory Officers (Director of Education, Associate Director, and Superintendents) Policy and Regulations
Reporting an Injury or Illness Requiring Medical Treatment Following a Work Related Incident Administrative Procedures
Reporting Hazards and Non-Medical Incidents or Injuries Administrative Procedures
Reporting Requirement under Reg. 521/01 — Collection of Personal Information — Safe School Act Administrative Procedures
Safe Roof Access Administrative Procedures
Safe Storage and Housekeeping Practices Administrative Procedures
Secondary Facility Site-Based Safety Inspections Administrative Procedures
Selection Process for School Administrators Administrative Procedures
Sharps Program Administrative Procedures
Social Media and Communications Policy and Regulation Administrative Procedures
Teacher Hiring Process Administrative Procedures
Ten Month School Secretaries and Formula for Secretarial Support in Schools Administrative Procedures
Tobacco, Cannabis, and Smoke-Free Environment Administrative Procedures
Tragic Events Response Policy and Regulation, and Administrative Procedures
Use of Service Dogs by Students, Staff, and Community Members Policy, Regulations, and Administrative Procedures
Volunteers Policy, Regulations, and Administrative Procedures
Work Refusals — Health and Safety Administrative Procedures
Working Alone Administrative Procedures
Working from Home Administrative Procedures
Workplace Complaint and Investigation Administrative Procedures
Workplace Discrimination, Workplace Harassment, Workplace Sexual Harassment, and Workplace Violence Prevention Policy and Regulations
Workplace Hazardous Materials Information System — WHMIS Administrative Procedures

