

EMPLOYMENT EQUITY SYSTEMS REVIEW

SUMMARY REPORT

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Human Rights and Equity Office
University of Guelph

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1. INTRODUCTION

In 1987, the University launched its employment equity initiative through a formal commitment to the Federal Contractors Program. The Federal Contractors Program requires organizations to institute employment equity plans to remain eligible for federal contracts worth \$200,000 or more. A full-scale census of the workforce was conducted in 1990, and an employment equity policy and plan were established for the University. In 1999, the University of Guelph began another phase in its efforts to implement a comprehensive employment equity program. The program aims to identify barriers to hiring, fair treatment and promotion for equity-seeking groups at the University and to devise a plan to eliminate those barriers. For the purposes of this report, equity-seeking groups are those who fall within four federally defined designated groups — Aboriginal Peoples, persons with disabilities, visible minorities and women — as well as lesbian, gay, bisexual, transgendered and transsexual persons*. All of these groups have historically been disadvantaged in employment.

The current workforce is a culmination of 30 years of hiring and a changing labour force. For the first time in a decade, the University is hiring significant numbers of new staff and faculty in many areas. This offers an opportunity to broaden the candidate pool so U of G benefits from the most qualified staff and faculty available. The continuing evolution of the U of G's employment equity program is designed to meet the University's goal of ensuring that it draws effectively on a broad pool of qualified candidates and that the working environment is open to all.

U of G contracted a consulting group headed by Jeroo Irani and Daina Green to conduct a workforce survey and an employment systems review (ESR). The consultants produced two reports, the Report of Employment Equity Workforce Analysis for Regular Full-Time, Temporary Full-Time and Part-Time Employees at University of Guelph and the Background Report on the Employment Equity Employment Systems Review. These reports will be used by the Employment Equity Committee to develop a workable employment equity plan, which will include both qualitative and quantitative goals for progress towards a representative workforce.

While there are some methodological concerns relating to representativeness of the response in the ESR, the consultants' ESR report has produced some very useful insights into employment systems at the University. The Employment Equity Committee will review the areas for consideration listed in the consultants' report. Based on their analysis of the areas for consideration, the Employment Equity Committee will make recommendations that will be included in a draft employment equity plan. The draft plan will outline priorities, timelines and responsibilities. The equity plan will include achievable goals and timetables for action and implementation, as required under the Federal Contractors Program. The employment equity plan will guide initiatives for achieving a representative workforce and enhancing the climate for human rights and equity on campus.

2. OVERALL CLIMATE AT THE UNIVERSITY

Working with the University's Employment Equity Committee and the Human Rights and Equity Office, the consultants conducted and analysed a workforce survey of the four designated groups. The workforce survey compared current U of G employee distribution with labour market availability (nationally, provincially, regionally or locally, as appropriate). The review concluded that members of the four designated groups are all under-represented in varying degrees, among University employees in one or more federally defined employment equity occupational groups, on the main campus and at satellite campuses.

Aboriginal Peoples are under-represented in most occupational groups and locations. The biggest gap for visible minorities is at the professional level, including faculty and middle-management positions. Persons with disabilities experience under-representation in two-thirds of the 14 employment equity occupational groups, with the largest gap found in semi-professional jobs. Women as a group are well represented in most occupational groups, but there is a large gap in faculty positions and in senior and middle management. Women are notably over-represented in custodial occupations.

The consultants also conducted an employment systems review. The goal of the ESR is to identify probable explanations for the under-representation. It involves identifying barriers and makes suggestions for their removal to make the University's employment systems equitable for all.

The ESR reveals a number of positive qualities of U of G that support employment equity goals including:

- The climate at the University is generally positive.
- Commitment to employment equity is strong among senior administration.
- U of G offers a variety of training options that are highly appreciated by employees.
- New faculty benefit from a comprehensive orientation program.
- On-campus child care is available.
- Faculty hiring policies and procedures have been amended. Equity considerations have been incorporated into a streamlined, transparent process with clearly defined responsibilities at each stage.
- The role of the Human Rights and Equity Office is seen as positive, and the demand for its resources is increasing.

One of the most striking observations from the consultation during the employment systems review was that U of G has excellent staff and material resources and a breadth of experience in assessing and providing accommodations. Guelph has made it a priority to provide comprehensive services to its students, taking advantage of available funding to develop accommodation programs and measures. In the process, the University has acquired great expertise and practical know-how that could be mobilized in the implementation of workforce equity initiatives.

Most respondents, across a range of occupations, reported satisfaction with the overall working conditions and benefits package provided to employees. The benefits, described as “excellent” and “very good,” were considered by respondents to be a factor in their decision to remain at the University.

One of the most valued working conditions is the employer’s flexibility in allowing employees to attend to urgent family matters. This was reported by employees in a range of positions and work locations.

3. THE STUDY

The primary focus of the ESR report is on the views of the respondents and on the consultants’ observations from their consultation with U of G employees. The two sets of observations are therefore integral to this report.

The consultants examined many employment systems for the purposes of the ESR:

- organizational climate of the University
- recruitment, selection and hiring
- development and training
- promotion
- retention and termination
- reasonable accommodation.

For each of the above listed employment systems, consideration was given to:

- written employment policies, procedures and contracts (formal arrangements)
- implementation issues (informal practices and behaviour)
- communication issues (where it’s a matter of communicating existing policies)
- access
- reasonable accommodation of the needs of members of equity-seeking groups.

The following criteria were applied throughout the ESR to test policies and practices for barriers:

- legality (does the policy, procedure or practice conform to human rights and other related legislation?)
- consistency (is the policy, procedure or practice applied consistently?)
- adverse impact (is there any negative effect of the policy, procedure or practice or its implementation?)
- validity (does the policy, procedure or practice accomplish its intended function?)
- job-relatedness (is the policy, procedure or practice related to ability to do the job?)
- accommodation (does the policy, procedure or practice accommodate an employee’s individual needs short of undue hardship for the employer?)
- positive images and graphics (is the language used neutral or positive and does it promote equity?).

The ESR began with an examination of policies and procedural documents relevant to the

University's employment practices. This document review was followed by a consultation with employees and other interested parties about the implementation of these policies and procedures. Consideration was also given to issues specific to location, occupation and equity-seeking groups where applicable. After the data were collected, the observations from the workforce survey, document review and consultation were integrated and analysed, then areas for consideration were developed.

The ESR consultation included a range of respondents from various University constituencies and involved 80 individual interviews and 13 focus groups. The approximate breakdown of those included in the consultation is as follows: 33 senior administrators, 11 Human Resources and Human Rights and Equity Office staff, 30 faculty members, 12 representatives of employee groups; 14 members of the Employment Equity Committee and 20 staff from satellite colleges. Of these, 100 were women, eight were Aboriginal Peoples, 28 were visible minorities, 16 were persons with a disability, and six were lesbian, gay, bisexual, transgendered and transsexual persons. Confidentiality was guaranteed to those who participated in the consultation process.

A number of positive policies and practices were noted during the review process and are covered in the report. Readers are reminded, however, that an ESR focuses on the adverse impact of employment systems on all employees (particularly equity-seeking groups). Accordingly, the report points particularly to the gaps and need for change and may read as more negative than is intended.

Observations and areas for consideration are presented for each employment system examined. Observations are those derived from a review of written documents (by the consultants) and the consultation process (with employees). In the consultants' report, direct quotes, anecdotes and paraphrased comments are included to illustrate important issues and reflect the feelings, perceptions, experiences and suggestions of the respondents. It should be noted, however, that the observations are presented as illustrations. The consultants accepted the observations at face value unless they believed they were of a personal nature and unrelated to a systemic barrier, in which case they were excluded. Where observations indicate adverse impact or the potential for it, these observations are further discussed in the analysis section of the report.

4. KEY AREAS FOR CONSIDERATION

A review of the employment systems and employee groups has led to the identification of four overarching themes and many recommended areas for consideration for each employment system.

A. OVERARCHING THEMES

A.1 Education and Training

The consultants suggested that all employees, especially those responsible for managing a

diverse workforce, should be engaged in educational programs to develop competencies on equity issues. The University should consider extending its professional development program by developing and delivering specific programs on managing diversity for managers, employee group representatives, hiring committee members and others.

Managers will require training on policies and procedures modified as a result of this ESR and other initiatives (such as the new umbrella human rights policy and new faculty recruitment and retention policies), to increase consistency and objectivity in implementation.

The consultants suggested that all employees should receive orientation and/or training on anti-racism; cross-cultural, gender and sexual orientation issues; accommodation; human rights; the umbrella human rights policy; employment equity; and other equity-related issues.

A.2 Communication and Consultation

Throughout the consultation, employees reported inconsistencies in implementation of employment equity because of a perceived lack of clear communications and lack of awareness of procedures and programs that might be of benefit to themselves or to equity-seeking-group employees. Therefore, the consultants suggested that U of G should continue to consult on and communicate its existing and new equity initiatives to the entire University community, as well as to prospective employees in the community at large. This will include communicating the contents of the new umbrella human rights policy and its attendant procedures, as well as the results of this ESR and forthcoming employment equity initiatives, such as a policy on accommodation, a new faculty hiring and retention policy, and training measures for faculty recruitment teams.

A.3. Accountability and Monitoring

Although the University has policies that protect employees against arbitrary or subjective treatment, it was the feeling of some respondents that they are not always implemented as intended. The finding of the ESR report is that some managers see equity issues as low in priority. It is therefore necessary to consider building mechanisms to ensure accountability for implementing equity measures. This includes ensuring that employment policies, procedures and practices are aligned with the University's values and principles and are monitored, reviewed and revised regularly.

The consultants also proposed a monitoring program that should include the following components:

- proactive accommodation measures
- consideration of “diversity competencies” (skills in managing within a diverse workforce) in the hiring and performance review of managerial and supervisory employees
- outreach efforts to widen the applicant pool
- reports from hiring committees on the integration of equity considerations in the selection process

- examination by employee group representatives of existing contract provisions to eliminate the potential adverse impacts identified in this ESR report and to permit accommodations
- diversity of membership on University committees
- clear assignment of responsibilities for implementing the areas for consideration of the ESR and the resulting employment equity plan to specific employees
- outcomes of the initiatives put in place to remove barriers and their effect on existing under-representation.

A.4. Resources and Support for Implementing Employment Equity

The consultants indicate that the implementation of the areas for consideration in this report will require resources and a collaborative, integrative approach to employment equity on the part of the Human Rights and Equity Office and other implementing agencies, including Human Resources. It will also require centralized funding to support issues such as accommodation and outreach, as well as the development of policy and programs. The implementation process may be more resource-intensive at the beginning and will also require ongoing support.

B. RECOMMENDED AREAS FOR CONSIDERATION

The consultants have presented the following proposed measures as ways to enhance the University's employment systems. These measures arise from a review of the policies and procedures and selected observations. Mostly measures relate to both, faculty and staff. However, because of the distinct conditions of employment for faculty and staff within a given employment system, measures relate to both faculty and staff or either faculty or staff. In cases where they are specific to staff they have a parenthetical (staff) beside them. These recommendations will be reviewed and assessed by the Employment Equity Committee while renewing U of G's employment equity plan.

B. 1. Climate for Organizational Change

- i) Senior administration must continually articulate the agenda for change.
- ii) Managers must be formally accountable for implementing equity measures.
- iii) The University should use the resources of the Human Rights and Equity Office and Human Resources in employment equity implementation.

B. 2. Recruitment, Selection and Hiring

- i) A centralized funding and planning mechanism is needed for outreach.
- ii) The University should develop special measures to allow more external candidates and designated-group members to be considered for advancement opportunities (staff).

- iii) Hiring procedures should continually be assessed for bias.
- iv) Hiring committees must become more diverse and be provided with adequate orientation.
- v) There is a need for consistent oversight of selection practices.
- vi) Measures that welcome new staff (e.g., orientation [staff] and mentoring programs) act as incentives to recruitment and are needed.
- vii) The existing faculty policy on recruitment provides a model that could be extended to other employee groups as appropriate.

B. 3. Development and Training/Promotion

- i) Measures should be taken to ensure access to training and development opportunities for staff who work shifts or at remote sites.
- ii) The University should implement equity-related training for all employees, especially those with managerial responsibilities.
- iii) Employee development needs should be identified, and development programs should be formalized.
- iv) The University should consider further developing and formalizing bridging programs and other career mobility measures (staff).
- v) Training materials need to be reviewed regularly so they are both bias-free and positive to diversity.

B. 4. Performance Review

- i) Responsibility for implementing employment equity should be incorporated into performance evaluations of employees with managerial responsibilities.

B. 5. Retention and Termination

- i) The comprehensive human rights policy and procedures need to be adopted as soon as possible.
- ii) All grounds covered by the Human Rights Code should be included in employee agreements (staff). Employee agreements should also be examined to ensure consistency with the Human Rights Code.
- iii) The need for extending family responsibility time to all employee groups should be

explored.

- iv) Compensation practices should be further examined to ensure consistency and fairness.
- v) University policy needs to clarify that employees whose holy days do not coincide with statutory holidays will be accommodated upon request.
- vi) The University should try to determine employees' needs for affordable and accessible child-care services and give them consideration.
- vii) Exit interviews can be used to assess progress and climate.

B. 6. Reasonable Accommodation

- i) A policy on accommodation needs to be developed expeditiously in consultation with employees (especially those with disabilities) and in-house specialists and then it should be implemented.
- ii) The centralized accommodation fund needs to be formalized and publicized to all managers and employees.

5. CONCLUSIONS

The goal of the consultants' report is to learn from experience and undertake changes required to create an equitable workforce in which every employee is treated with fairness and respect and can contribute fully. The goal is not to seek out individuals or groups to blame for past inequities but to recognize past achievements and build on them.

The consultants conclude that the University has made progress for employment equity for women, but much work needs to be done for the other designated groups. Although women, as a result, are relatively well represented in most occupational groups, representation rates for other designated groups are lagging significantly throughout the University.

While many positive features of the University of Guelph's work environment were identified by the ESR, the consultants' report highlights existing inconsistencies, policies, practices and some elements of the workplace culture that negatively impact all employees and, in particular, equity-seeking groups who are especially vulnerable to adverse impact. Both the workforce analysis and employment systems review give valuable insight into employee representation in University occupations and employee perceptions of the employment systems. These studies will guide ongoing work in the area of employment equity.

6. NEXT STEPS

Based on its review and assessment of the findings of the consultants' report, the Employment

Equity Committee will make recommendations that will be included in a draft employment equity plan. The draft plan will outline what priority to place on each recommendation, how members of the University community will be involved and who will oversee the process. The equity plan will include achievable short-term, mid-term and long-term goals and timetables for action and implementation of the recommendations on qualitative measures, as required under the Federal Contractors Program.

Such goals, although expressed numerically, differ from quotas. Quotas are a mandate to fill a certain number of positions with designated-group members. If there is no qualified designated-group candidate for a position, it remains vacant under a quota system. Goals are realistic hiring and promotion targets based on projected opportunities to hire and promote. Under the Federal Contractors Program, organizations are expected to make their best efforts to meet the goals they have set.

To implement the employment equity plan, U of G will need to determine the order in which recommended qualitative measures will be implemented. The recommendations will be prioritized, and the plan will determine which measures are to be implemented in the first two years, leaving others to be phased in over the next two to five years. Decisions about timing will be made on the basis of which actions are achievable in the short run and will have the most visible and concrete effect in reducing or eliminating the identified barriers. This will depend on an evaluation of the available resources and identification of the areas of greatest receptivity to change or greatest need for change. As part of the plan implementation, the University will also need to establish monitoring mechanisms.

As the University moves forward with its employment equity initiatives, it will continue to review new and revised employment systems. Evolving data on the workforce representation of designated groups will be updated regularly. In addition, progress towards achieving employment equity will be reviewed by Human Resources Development Canada under the criteria of the Federal Contractors Program.

APPENDIX

SELECTED OBSERVATIONS

Mostly observations relate to both faculty and staff. However, because of the distinct conditions of employment for faculty and staff within a given employment system, observations relate to both faculty and staff or to either faculty or staff. In cases where they are specific to staff they have a parenthetical (staff) beside them.

1. Organizational Climate of the University

- Organizational climate for employment equity is seen as generally positive, with a few pockets of disagreement.
- Organizational commitment to employment equity is seen as strong among senior administration, with some skepticism among staff about the depth of this commitment and concern that senior administration has not determined how to operationalize that commitment. The resources of the Human Rights and Equity Office should be used in developing a plan to implement employment equity.
- Achieving gender equity is a well-established goal, especially for faculty. The University has made progress in increasing its efforts to hire female faculty, but has not yet systematically extended its employment equity measures beyond this group. Achieving equity for groups other than faculty women has a considerably lower profile within senior administration. Respondents expressed concern about the slow pace of including other groups in U of G's employment equity initiatives.
- Budgetary constraints in the past, including downsizing, are seen as a major organizational challenge, resulting in a lack of resources (e.g., for increased outreach, accommodation and physical modifications to facilities).
- Unions and other employee group representatives are seen as generally neutral and uninvolved. Seniority provisions and levels of consideration in contracts currently represent a barrier to implementing employment equity measures.
- Change in the composition of the University workforce is occurring, but is seen by many as too slow. Respondents believed that accelerated change depends on a commitment by the entire University to embrace equity principles and put them into action. Counterbalancing the impetus for change is the negative political climate in Ontario towards employment equity programs.
- The Human Rights and Equity Office is seen as playing a positive and key role in implementing equity measures. There is growing demand from many areas of the University for services such as training and sensitization for employees at all levels.

2. Recruitment, Selection and Hiring

- Overall, the University is making an effort to maintain bias-free processes. During the period of restructuring and downsizing, less attention was paid to external recruitment. Now that the University is in an expansion mode, embarking on international recruitment of faculty and other professionals, and is in a partnership with Humber College, it is an opportune time to incorporate diversity and equity into all employment systems.
- The employment equity policy for female faculty hiring has a number of positive features that could be adapted and extended to hiring for other occupational groups, such as:
 - submitting the recruitment strategy in advance to the provost and providing explanations for deviations from the strategy;
 - tracking and reporting the designated-group status of applicants, providing a key source of information about the success of the outreach and selection process;
 - consultations with the Human Rights and Equity Office;
 - requiring committees to include at least one designated-group member, monitoring committee membership through the provost's office.
- Equity is not high on the agenda for some of those responsible for hiring.
- Favouritism ("who you know," "fitting in"), inconsistencies and excessive subjectivity in managerial discretion in hiring processes were reported.
- Many non-management respondents believed those responsible for hiring often lack know-how and sensitivity to diversity and equity issues. On the other hand, management respondents spoke to the rigorous selection exercise, and Human Resources staff emphasized that their efforts are focused on "getting the best candidate for the job."
- The "levels of consideration" enshrined in some contracts, which require internal candidates to be considered before others, is considered a barrier to widening the candidate pool (staff).
- Limited and unverified outreach to designated groups is seen as a concern. The prevailing perception based on past outreach experiences that "qualified candidates are just not available from these (designated) groups" throttles outreach efforts to groups.

3. Development and Training

- In practice, the initiative for ensuring professional development is driven by employees rather than supervisors (staff).
- Employees praise the nature and availability of training and educational opportunities.

The exceptions are shift workers and employees located in the colleges and other satellite sites.

- Contractually-limited staff report that they are excluded from some training and development opportunities, such as conferences and off-campus programs.
- The release of staff to attend training is dependent on managers' attitudes, considerations of how job-related the requested program is and operational considerations. Some inconsistencies in making these decisions are reported (staff).
- Mentoring programs are desired by staff and faculty, but are not available on a systematic basis.
- No consistent program is in place to determine development needs of employees.
- There is an acute need for training on equity and managing a diverse workforce.
- The lack of job mobility and bridging programs is a barrier for all groups, especially for women wishing to enter male-dominated occupations (staff).

4. Performance Review

- Practices are inconsistent throughout the University (staff).

5. Promotion

- Some staff in lower-level occupations report finding it difficult to move to higher-level positions for which they perceive they are qualified.
- Age is perceived to be a barrier to promotion, both for young, talented employees and for older workers with a lot of experience (staff).
- Women continue to experience barriers to promotion, including sexist attitudes, the need to prove their ability before being accepted, feelings of isolation and sexualized environments.

6. Retention

- Human rights grounds are inconsistently covered in some staff contracts.
- A formal policy and procedures to cover the full range of discrimination issues are not yet in place.
- Most staff contracts lack an alternative procedure to deal with complaints by an employee

against a supervisor when the same supervisor will hear the complaint at the first stage of the grievance process.

- Under most contracts, probationary employees are not entitled to lodge grievances, which would extend to complaints of discrimination (staff).
- Leave to attend to family matters is a positive benefit, but is not available in all employee contracts.
- Employees whose holy days do not coincide with statutory holidays must make their own arrangements.
- Some employees with a chronic disability could be denied vacation entitlement because of broken service, according to contract language.
- Leaves of absence are flexible, but definitions of family may be restrictive (staff).
- There are inconsistencies in provisions related to parental leaves.
- There is demand for affordable child-care services, especially beyond “normal working hours.”
- The lack of paid sick leave for part-time and contractually limited employees may be a barrier for persons with disabilities.
- Provisions to allow employees to reduce their workload to accommodate family and personal responsibilities outside of work are included in only a few contracts.
- There is early indication that for staff, progression through salary bands may be subject to inconsistent practices, particularly affecting women and other equity-seeking groups. Further study is needed.
- Women and visible-minority employees are concentrated in the lower salary ranges for some occupations.

7. Reasonable Accommodation

- No University-wide policy is in place, although U of G has a legal responsibility to accommodate persons with disabilities and historically disadvantaged groups.
- The University has expertise and resources to accommodate the needs of students with disabilities; these resources could be extended to accommodate employees with disabilities.

- The University provides a range of accommodations on request (rather than proactively).
- Managerial staff lack know-how in implementing accommodations, and concern about expenditure of departmental resources may influence implementation.
- Non-accessible buildings and facilities are an issue of concern.
- The cost of accommodation is a consideration in — and potentially a deterrent to — hiring persons with disabilities.

GLOSSARY OF TERMS

Accommodation	is about meeting the needs of persons protected by the Human Rights Code, e.g., employees with disabilities, employees with religious needs and pregnant women.
Employment systems	refer to the organizational climate; recruitment, selection and hiring; development and training; promotion, retention and termination; and reasonable accommodation.