Module 2
Conducting an Equitable Process

Employment Equity

There are four federally designated groups within employment equity:

- Aboriginal peoples
- Persons with disabilities
- Women
- Visible Minorities

Sexual/gender minorities is included as a fifth designate group at the University

Terminology

The terminology and definitions used for the designated groups is in accordance with the Federal Employment Equity Act and the Federal Contractor's Program
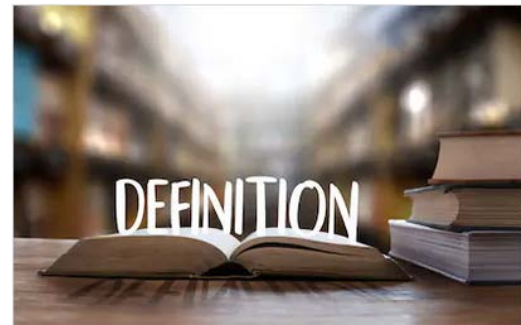
Self-Identification

- Only the candidate can self-identify as a member of a designated group; it cannot be determined/imposed by someone else
- There are exceptions for gender, where the information may be obtained from the Human Resources Information System
- If there is a question regarding a candidate's self-identification, the Equity Assessor or the Faculty Recruitment Coordinator, or, in some cases, the committee's secretary, can check with the candidate(s)
- Self-identification may occur in various stages of the process

Unit Workforce Data

- Compiled by the Office of Human Rights, Equity and Accessibility (OHREA)
- Information on internal representation of the University workforce is obtained primarily via a workforce census or the Employee Self-Identification Survey. Employees may update their information at any time

External Workforce Data

- The Canadian government provides information as to the external workforce based on Statistics Canada's National Census (or in 2011, the National Household Survey)
- This is the basis for the workforce availability pool and the determination of underrepresentation of designated groups

Government of Canada

Designated Group of Sexual/Gender Minorities

Although sexual/gender minorities is a designated group at the University, it is not one of the four groups designated by the Employment Equity Act. As a result, the government does not generate the external workforce data required to be able to determine the availability pool/comparators in order to identify underrepresentation.
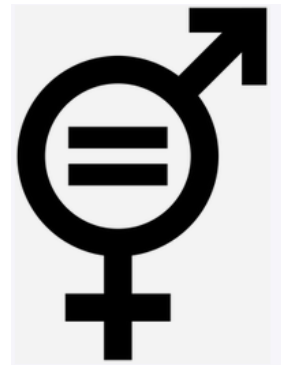
Unit-Specific Data

- Unit-specific data are compiled by the Employment Equity and Human Rights Manager in OHREA
- The information is provided to the AAU Heads and Deans in the fall, and available by request at other points in the year
- Use of the employment equity data is in all aspects of the committee deliberations and recommendations

The Diversity & Equity Assessment & Planning (DEAP) Tool

- The University has acquired the [Diversity & Equity Assessment & Planning (DEAP) Tool](#) as a means to assist units in assessing their present composition and climate, and developing the required goals and timelines for enhancing employment equity
- The Employment Equity and Human Rights Manager provides ongoing support to AAUs to use the DEAP Tool in developing, implementing, and reporting the action plans

DEAP
Diversity & Equity Assessment & Planning

University of Windsor

POSITIVE OBLIGATION—CA 30:06(d)

When a candidate is a member of an under-represented designated group, and is in the pool of candidates acceptable for recommendation, and is approximately equal to the other most acceptable candidate, then the candidate from the under-represented designated group(s) shall be recommended.

POSITIVE OBLIGATION—CA 30:06(d) cont'd

- Positive Obligation, as applicable to a candidate from an under-represented designated group, does not apply if the candidate is from a designated group that is not under-represented
- Use of extra points for designated groups is generally no longer practiced. An exception might be for strategic, purposeful application, such as the unit that applies points specifically to off-set historic disadvantage in leadership opportunities in industry

University of Windsor

Collective Agreement Excerpt Re. Systemic Discrimination—CA 30:08(a)

In the evaluation of candidates for appointment, tenure/permanence and promotion to a position in or within the bargaining unit, the criteria adopted must not systematically discriminate against members of the designated groups and shall be reviewed periodically to ensure that they do not undervalue work which is done predominantly by members of the designated groups.

Collective Agreement Excerpt Re. Minor Career Interruptions—CA 30:08(b)

Candidates shall not be disadvantaged by reason of minor career interruptions caused by family responsibilities.

University of Windsor

AODA

- Within the AODA (Accessibility for Ontarians with Disabilities Act), each person's accommodation requirements are on a case-by-case basis
- One individual's needs or a particular situation does not impose on another's
- An accommodation for one does not mandate the same accommodation for others or for the same person for another situation

Accessibility for Ontarians with Disabilities Act

University of Windsor

Accommodation

- Accommodation must be provided/available for persons with disabilities at all stages of the hiring process, which includes at the interview

Example of a best practice:

Ensure all candidates have a written copy of questions in front of them, using larger 14 pitch font (note at top page to not remove from room, and have reminder placed at end of questions page to collect at end)

University of Windsor

Equity

- Many practices that seem inconsequential, but have an impact, possible impact, or perceived impact on equity
- Human Rights looks at the intended and the unintended/constructive discrimination

Definition of Discrimination

In addition, the Human Rights Commission describes/defines systemic discrimination as that which:

…can result from individual behaviour as well as because of the unintended and often unconscious consequences of a discriminatory system. This is known as systemic discrimination. Systemic discrimination can be described as patterns of behaviour, policies or practices that are part of the structures of an organization, and which create or perpetuate disadvantage...

(http://www.ohrc.on.ca/en/racism-and-racial-discrimination-systemic-discrimination-fact-sheet)

Equity vs. Equality

- Consistency in practice is key, but not to the point where it becomes inequitable
- Equity vs. Equality
    - Equity recognizes diverse needs
    - Equality recognizes contexts such as where the same rights or treatment are being sought
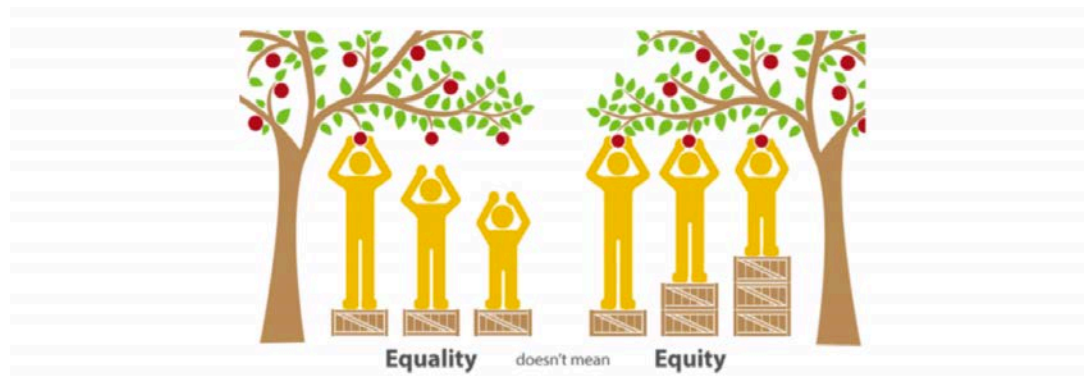
Practices that may impact equity

Using round-robin style questions.

Providing the opportunity for each committee member (excluding the EA) to ask an interview question, and thereby contribute a voice around the table, avoids an unintended message of who is silenced, or unintentionally reinforcing an imbalance of power or stereotype
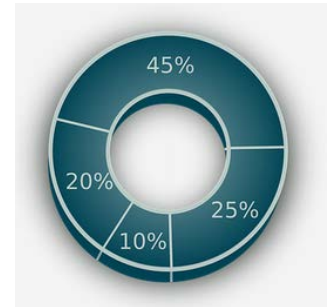
Practices that may impact equity cont'd

•Scoring is another area where the committee will need to be mindful of power differences. Example of best practice:

Everyone does scores independently when shortlisting or after each interview. The members then share their scores in committee, and can discuss to consensus scoring (if consensus scoring is being used) or average.

Practices that may impact equity cont'd

- The Committee's minutes are important, as they provide the recorded history.
- Minutes are not a transcript. They record what was done at the meeting, not what was said by individuals. They record actions taken, actions required, decisions made etc.

Practices that may impact equity cont'd

Casual conversation with candidates.

Example:

Avoid casual conversation inquiring into if a candidate has children, as can possibly be linked to family status discrimination

Caution of unintended impact on equity in choice of language:

• use of "fit" – can be exclusionary and code for cultural bias or fitting into the status quo
• use of "potential" – can be deemed to be age discrimination

- Both can be problematic because of different meanings and understanding of what is meant by individual committee members
- If used, they should be discussed, defined, and the intention specifically articulated on the grid or in the accompanying grid notes

University of Windsor

Caution of unintended impact on equity in choice of language cont'd:

This does not preclude the use of "potential" to broaden desired skills in order to recognize transferable skills and allow for entry level candidates

Simultaneous recruiting of Canadian/PR and non-Canadians

- May advertise, shortlist, and interview simultaneously
- Refer to memo from the Provost, dated November 2017 for details
- This does not remove the obligation to give priority to Cdn/PR, and to include this in all ads.

Alternate Candidates

•On Form 2, identify the candidates for interview (up to 4 without special approval from the Provost or, in the case of a candidate from an under-represented designated group, approval from PCEE)
•Identify the alternate candidates, in order, should any of the others decline an interview

Alternate Candidates cont'd

- On Form 3, identify the alternative successful candidate(s) should any of the others decline the offer
- The ranking of alternative successful candidates should be determined in the committee meeting and reflected on the Form

Bias

- Remaining mindful of bias – cannot be completely eliminated, but can be mitigated
- Implicit Bias – see Implicit Association Test https://implicit.harvard.edu/implicit/canada/takeatest.html
- Aliefs and Beliefs – work of Dr. Tamar Szabó Gendler
- CRC's Unconscious Bias training – http://www.chairs-chaires.gc.ca/program-programme/equity-equite/bias/module-eng.aspx?pedisable=false

University of Windsor

You have now completed Module 2

Please proceed to Module 3: **Guidelines for the Grid and Connections with the Job Ad and Interview Questions**

University of Windsor