



Durham Region Equity Audit: Summary Report

September 2023



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Purpose of an Equity Audit

An Equity Audit is a comprehensive review of written and unwritten, formal and informal employment policies, practices, and procedures. It identifies and makes recommendations for the removal of institutional, cultural, and attitudinal barriers to the hiring, advancement, and full inclusion of Indigenous peoples and members of equity-seeking groups.

Although any employee can face barriers in an organization for a variety of reasons, certain groups (i.e., women, racialized people, Indigenous peoples, and persons with disabilities) face persistent and systemic barriers to gaining employment commensurate with their education, skills, and experience, as well as barriers to advancement and full inclusion in the workplace.¹ As such, these groups have been identified as the focus of the federal Employment Equity Act. Durham Region has also included those who identify as 2SLGBTQ+ as part of this Equity Audit due to evidence that this group also faces discrimination in the labour market and harassment on the job.

Recognizing that Indigenous peoples are sovereignty-seeking rather than an equity-seeking group, we refer to these five groups as “Indigenous peoples and the equity-seeking groups” throughout this report.

Institutional Barriers

Institutional barriers are embedded in the policies and practices of an organization. On the surface, the policies and practices may appear to be neutral or even reasonable, but in truth they have a negative impact on Indigenous peoples and members of the equity-seeking groups.

Cultural Barriers

Barriers can also be created by an organizational culture that isolates and alienates Indigenous peoples and members of the equity-seeking groups, sometimes unknowingly, and in which stereotypes and preconceived notions about these groups persist and inform decision making.

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.

While this Equity Audit focuses on these five groups, issues that affect other groups—newcomers, those from non-Christian faith systems, and those from lower socioeconomic backgrounds and others—will be noted where they have been identified.

An Equity Audit provides an organization with insights into what is working well and what requires improvement. This way the organization can build on its strengths, remove the identified barriers, in order to create equitable policies and practices, a diverse workforce, and an inclusive work environment.

Attitudinal Barriers

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



The Benefits of Diversity, Equity, and Inclusion

The combination of a diverse workforce, equitable employment policies and practices, and an inclusive workplace benefits Durham Region in several ways.

Improves service delivery to Durham residents

As residents in the region become increasingly more diverse, a diverse workforce will help the organization understand and respond to the needs of the communities served.

Helps to more effectively recruit and better engage top talent

A commitment to diversity, equity, and inclusion increases the transparency and consistency of recruitment practices and supports better management and treatment of all employees. Ultimately, employees benefit from efforts to create a more inclusive organization, which helps the organization attract and retain the best talent.

Reduces employee engagement costs

Diverse, equitable, and inclusive organizations often have healthier workplaces and thus experience reduced costs associated with unhealthy work environments, such as absenteeism, turnover, and time needed to address harassment and discrimination complaints.



Improves productivity

Workplaces that are unwelcoming to people from diverse communities, backgrounds, and identities can be poisoned and unproductive. Organizations that treat employees fairly and with respect, and that create and support a work environment in which all employees feel valued and safe from harassment, are typically rewarded with increased morale, better performance, and higher productivity overall.



Improves creativity and innovation

Organizations that encourage and support workplace diversity, equity, and inclusion are better able to attract and retain top talent from an increasingly diverse labour market. This increases the diversity of perspectives, approaches, knowledge, and skills within the organization, which can in turn boost the organization's creativity and innovation.

Improves corporate image

Employers known to have a commitment to diversity, equity, and inclusion have a more positive corporate image and are viewed more favourably by the public, including prospective employees.



Methodology

Turner Consulting Group was contracted for this review to ensure that it was conducted by an objective third party.

In conducting this Equity Audit (also referred to as an Employment Systems Review), the consultant relied on the Canadian Human Rights Commission's "Framework for Compliance with the Employment Equity Act," a document outlining the legal framework and assessment factors related to an Equity Audit as well as the general approach to be taken by employers.² Additional guidance is provided by the Public Service Commission of Canada in "Employment Systems Review: A Guide for the Federal Public Service."³

The following methodology was used to conduct the Equity Audit.

Working Group

Durham Region formed a Working Group to oversee the work of the consultant, provide input into the proposed methodology, offer further insights into the issues identified, and review the draft Equity Audit report. The committee comprised members of several divisions, including Diversity, Equity, and Inclusion; Human Resources; and Corporate Communications and Engagement.

Document review

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

Competition file review

Competition files are intended to be a record of the recruitment and selection process. In total, 40 files for competitions held in 2022 were randomly selected and reviewed to determine whether staffing policies and practices are being applied in a fair and consistent manner.

Consultations with employees

In total, over 900 employees participated in these consultations, representing about 16% of the Region's approximately 5,500 employees. This level of participation gave us sufficient data to identify workplace issues and make recommendations for change. Employees provided input in the following ways:

² Canadian Human Rights Commission. (2002, December). *Employment systems review: Guide to the audit process*.

https://publications.gc.ca/collections/collection_2007/chrc-ccd/HR4-3-2002E.pdf

³ Public Service Commission of Canada. (2022). *Employment systems review: A guide for the federal public service*.

<https://www.canada.ca/en/public-service-commission/services/appointment-framework/guides-tools-appointment-framework/employment-systems-review-guide-federal-public-service.html>

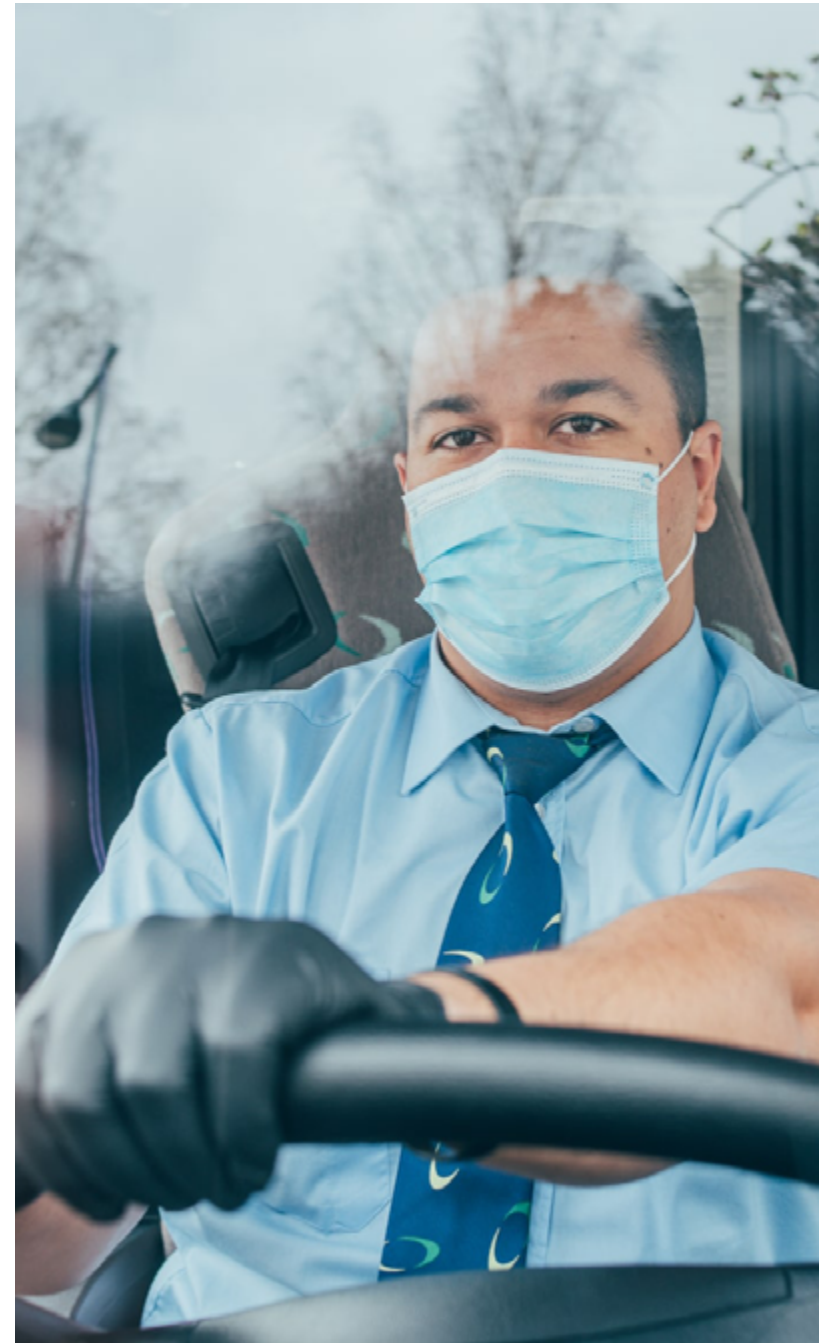
Workplace Equity and Inclusion Survey: Emails were sent to all employees to invite them to share their perspectives through a confidential online survey. The survey was open from February 5 to March 5, 2023.

In total, 800 employees completed the survey. Employees shared 191 pages of comments in response to the open-ended questions posed.

Senior leaders and unions: All senior leaders and union leaders were invited to participate in a one-on-one interview; 19 senior leaders and 2 union leaders chose to participate. These interviews gave the consultant the opportunity to further explore workplace diversity, equity, and inclusion issues and to identify key challenges the organization will face in implementing the recommendations from this review.

Focus groups: A total of 85 employees participated in the focus groups, which were scheduled between February 28 and March 10, 2023, affording employees the opportunity to provide input into this Equity Audit. Focus groups were set up by identity group, with separate focus groups arranged for those who identify as Indigenous, racialized, Black, living with a disability, 2SLGBTQ+, women who do not belong to another group, and men who do not belong to another group. In addition, separate focus groups were held with Human Resources staff to allow them to provide input into this Equity Audit as employees.

The discussions were facilitated by Turner Consulting Group and 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 is included.

The data collected through the online survey is graphed, with the responses broken down by identity group to explore the perceptions and experiences of racialized employees (105 respondents); Black/African Canadian employees (41 respondents); employees with disabilities (72 respondents); 2SLGBTQ+ employees (29 respondents); White women (270 respondents); and White men (128 respondents). We received too few responses from Indigenous employees (13) for their responses to be included on the graphs. Also, not included on the graphs are those who did not answer the demographic questions at the end of the survey.

Employee perspectives and experiences act as a window into whether an organization's employment systems are fair and are perceived to be fair. They also help to identify how organizational practices, along with supervisor and management behaviours, might differ from an organization's policies and stated commitment to diversity, equity, and inclusion. Employee attitudes also provide critical insight into an organization's culture and work environment, including resistance to diversity, equity, and inclusion efforts. Employees were invited to share their perspectives and experiences which have been accepted as provided. This input has not been validated and therefore should not be construed as evidentiary fact in any particular case.



Findings and Recommendations

This section summarizes the findings of the Equity Audit and the recommendations made to address the identified issues. Findings from the Equity Audit are grouped into three main themes: diversity, equity, and inclusion. The recommendations from the Equity Audit report are included as Appendix A.

Diversity

The Employee Census conducted in 2022 assessed the diversity of the Durham Region workforce, as compared with the residents of the region, to identify any gaps in representation.

While the results of the Employee Census assessed the outcomes of Durham Region's hiring and selection policies and practices, this Equity Audit sought to identify barriers within the hiring and selection policies and practices that contribute to the identified gaps in representation. This was done in the following ways:

- Review of hiring and selection policies
- Review of hiring and selection processes
- Consultation with employees to gather their perspectives and experiences regarding the hiring and selection processes.

Definition: The presence of a wide range of human qualities and attributes within a group, organization, or society. The dimensions of diversity include, but are not limited to, ancestry, culture, ethnicity, gender identity, gender expression, language, physical and intellectual ability, race, religion, sex, and sexual orientation.

Findings

Review of policies and practices

Policies related to talent acquisition were reviewed, including policies regarding the hiring of students, hiring of relatives, conducting police record checks, and conducting employment references and verification. In addition, the Region's Job Postings website, online application form, and a random selection of 40 competition files were reviewed. The goal was to assess how hiring is conducted and to identify any barriers that may contribute to the underrepresentation of Indigenous peoples and the equity-seeking groups.

This review found that Durham Region has very strong hiring policies and practices in place. It did identify opportunities to strengthen these policies and practices, including:

- Specifying the Region's commitment to diversifying the workforce and stating a commitment to employment equity to achieve this goal
- Specifying on job ads that diversity and inclusion are core competencies for Regional employees and ensuring that job candidates are assessed against these competencies
- Reminding job seekers throughout the hiring process that accommodation will be provided and they should let their accommodation needs be known when they are invited for an interview (e.g., in the learning module, in the FAQs, in the email inviting them for an interview), and
- Adopting the best practice of providing the interview questions to the candidate in writing at least 30 minutes before the interview.

In addition, the Equity Audit found that equivalent education and years of experience were not consistently allowed for in the hiring process, thereby creating credential barriers.

This review also raised concerns regarding the guidance provided to hiring panels encouraging them to consider and ask about gaps in employment history and the reason why candidates left a position. Asking about gaps in employment may introduce biases in the hiring process along with the risk of committing human rights violations, as employees may have taken time away from work to care for family or because of health issues.⁴ In addition, a long, uninterrupted work history is not a bona fide job requirement. Similarly, why a candidate left a company or position may not be related to their ability to do the job they have applied for. Again, this may open up the panel to hearing about human rights issues, such as employees leaving jobs related to human rights and equity concerns.

⁴ 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>

Hiring managers are responsible for developing the interview questions used in each competition. In our review of 40 randomly selected competition files, we identified several strong interview questions that helped managers assess candidates' skills and abilities for the job. However, there were also some questions that were unrelated to assessing candidates' skills and abilities and thus may have introduced bias into the selection process, including:

- Questions unrelated to the interview panel's assessment of the candidates' skills and abilities for the job, such as, "Please tell us what interests you about this position and what motivated you to apply?"
- Gendered and culturally biased questions that require candidates to sell themselves to the interview panel. These types of questions tend to favour men as well as those from the dominant culture.
- Questions that assess knowledge that candidates can learn on the job.

The requirement that a new hire produce their original education certificates and degrees was also identified as an issue, as it may create barriers for older workers who graduated decades ago as well as refugees who may not be able to produce their original documents. This requirement puts the Region at risk of a successful human rights complaint, as demonstrated by a 2007 ruling by the Ontario Superior Court.⁵ In addition, the Region should be aware that requesting job candidates to provide their educational credentials opens the organization up to accepting fraudulent documents—an ongoing issue in Canada. Because of the proliferation of degree mills, many universities have moved to online verification of educational credentials.⁶

The selected competition files were not always complete. We were therefore not always able to determine whether each applicant was fairly assessed against the job qualifications used for determining who to invite for an interview. We also could not always confirm how candidates were assessed in order to determine the successful candidate.

⁵ Szeto, E., & Vellani, N. (2017, September 10). 'All of us can be harmed': Investigation reveals hundreds of Canadians have phoney degrees. CBC News. <https://www.cbc.ca/news/business/diploma-mills-marketplace-fake-degrees-1.4279513>

⁶ Ibid.

Employee consultations

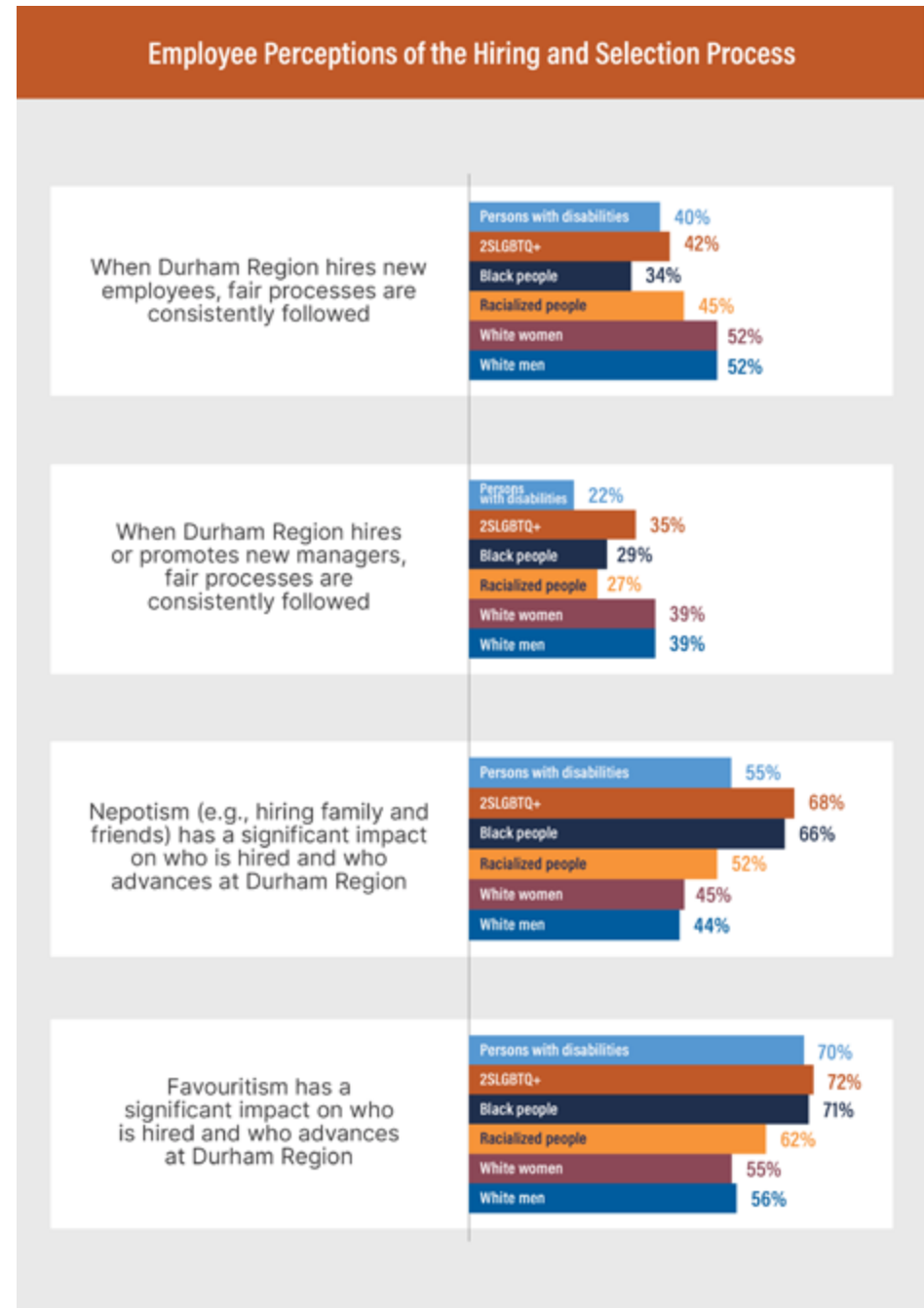
The online Workplace Equity and Inclusion Survey asked employees about their perceptions of the hiring and selection process at Durham Region.

While this review found that the Region’s hiring practices are quite strong, as the graph shows, a small proportion of each of the six groups expressed confidence that fair and consistent hiring and advancement practices are followed at Durham Region. Just over half of the White women and White men that responded to the survey agreed that when Durham Region hires new employees, fair processes are consistently followed. However, less than half of each of the other groups agreed with this statement.

All groups expressed less confidence that when new managers are hired, fair processes are consistently followed.

Many felt that despite the formal processes in place, hiring managers were circumventing them in order to hire their preferred candidate.

Throughout the consultations, employees raised their concerns about nepotism and favouritism in the hiring process. In the online survey, more than half of the persons with disabilities, 2SLGBTQ+, Black, and racialized employees, and just under half of the White women and White men who responded to the survey agreed that they perceived nepotism has a significant impact on who is hired and who advances at Durham Region. More than half of all groups perceived favouritism as having a significant impact on who is hired and who advances at the Region.



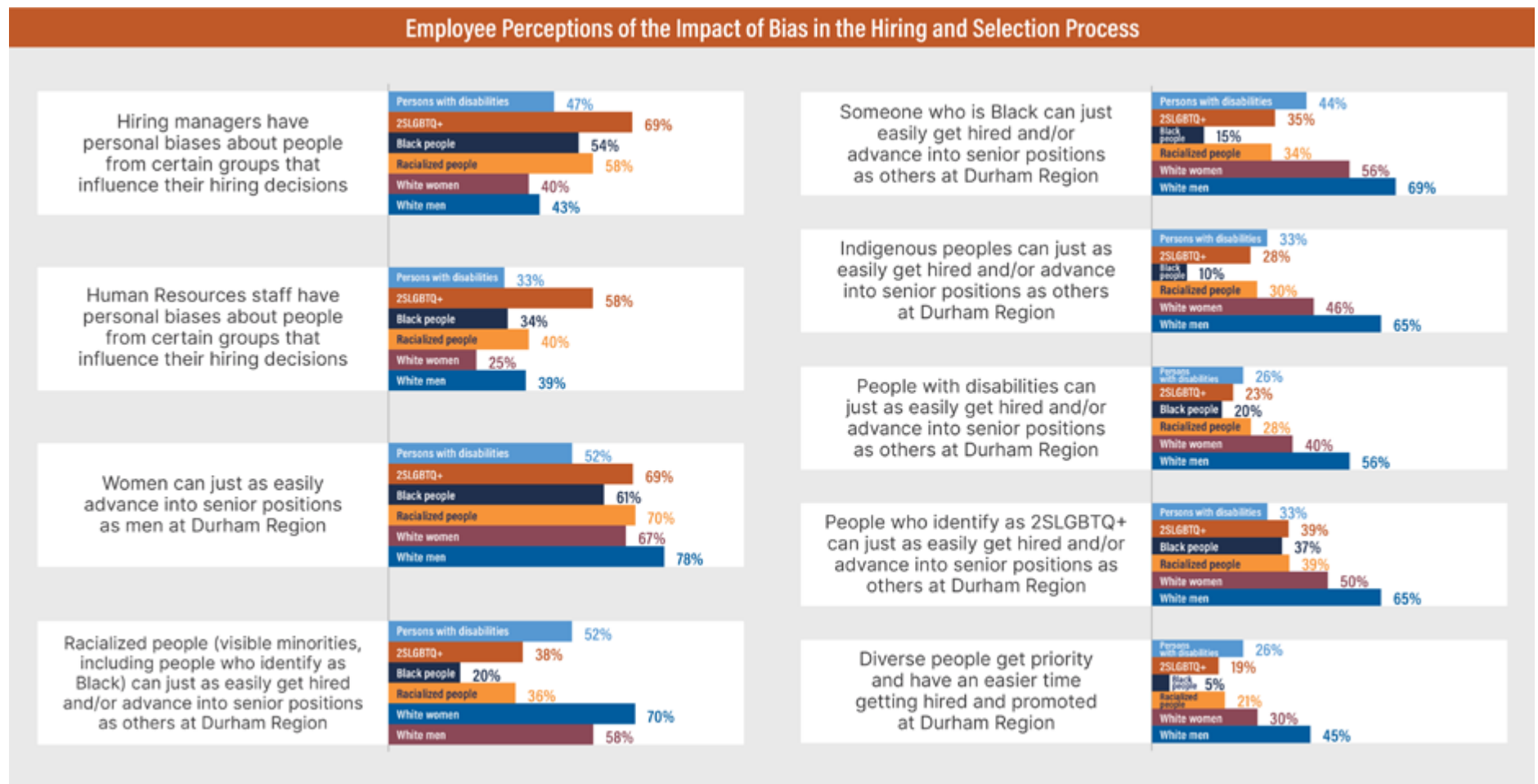
A number of employees also shared their perception that the hiring process was not always followed in order to ensure that the hiring manager's preferred candidate is hired. Some shared that they have seen people get hired without the stated qualifications for the job, while those who do have the qualifications are passed over. Others shared their perception that White people are routinely hired into the role without the required skills and experience, while qualified racialized people are passed over. Some shared that they have decided not to apply for certain positions because they view it as a waste of their time.

Concern was expressed that a defining feature of Durham Region's organizational culture is a sense of entitlement among White employees that their friends and relatives will receive preferential treatment in the hiring process. Some racialized employees shared that when they have successfully competed for a position that another employee expected to get, or that an employee expected a friend or family member to get, they (the racialized employees) have experienced hostility from the unsuccessful candidate upon beginning their new position.



Employees were asked about their perceptions of the impact of bias in the hiring and selection process. As the graph shows, there is concern from employees that biases among hiring managers and Human Resources staff influence hiring decisions.

Survey respondents from these groups held differing perspectives about whether people from various identity groups were able to get hired and advance as easily as others at Durham Region. White men were the most likely of all six groups to agree that women, racialized people, Black people, Indigenous peoples, persons with disabilities, and 2SLGBTQ+ people can just as easily get hired and/or advance into senior positions as others at Durham Region. Overall, survey respondents were the least positive that Indigenous peoples and persons with disabilities could just as easily get hired and/or advance into senior positions as others at Durham Region.



In addition, small proportions of each of the six groups indicated that people from diverse backgrounds get priority and have an easier time getting hired and promoted at Durham Region. White men were the most likely to agree (45%) with this statement.

Recommendations

Based on these findings, recommendations have been made to strengthen the hiring and selection process to better focus on the applicants' skills and abilities to do the job, remove barriers for Indigenous job seekers and those from the equity-seeking groups, and support job seekers from diverse communities, backgrounds, and identities to know about and apply to jobs at Durham Region. These recommendations include the following:

- Require that all those involved in the hiring process sign a declaration of no conflict of interest to help reduce the impact of nepotism and favouritism.
- Communicate changes to the hiring practices resulting from this Equity Audit to increase confidence that the Region's processes are fair and equitable.
- Develop and accept equivalencies for educational requirements (e.g., a combination of years of work experience and lower levels of education), where a specific degree or certification is not required by law or is not an operational requirement, in order to remove credentialism barriers to hiring and advancement.
- Ask job candidates to arrive early to an interview (e.g., 30 minutes before the start time), at which point they will be provided with the interview questions in writing. This gives them time to review the questions and begin to formulate their answers.
- Provide additional information on the Job Postings website to inform job seekers about the availability of accommodation in the hiring process, the process that occurs should the candidate have a police record, and how internationally trained professionals can have their credentials assessed.
- Promote Durham Region as an employer of choice and invite job seekers from diverse communities, backgrounds, and identities to visit its website for job openings.
- Provide mandatory training/education to those who participate on interview panels to help them understand and minimize the impact of unconscious bias in the hiring process and understand how to create bias-free hiring processes that focus on the objective assessment of a candidate's job-related skills and abilities.
- Provide guidance to hiring managers on how to make hiring decisions that support the Region's goals of diversifying the workforce.

Equity

This Equity Audit assessed the extent to which Durham Region's employment policies and practices complied with equity-related legislation such as the Ontario Human Rights Code and the Accessibility for Ontarians with Disabilities Act (AODA), and the extent to which they contribute to the fair and respectful treatment of employees.

Essential to assessing the Region's compliance with equity-related legislation is determining the extent to which employees receive accommodation based on any Code-protected ground. While organizations are required to provide accommodation based on any Code-protected ground, it is most frequently requested based on disability, religion, family status, sex (related to pregnancy and breastfeeding/chestfeeding), age (related to disability), and gender identity.

Definition: The fair and respectful treatment of all people and the reduction of disparities and barriers experienced by Indigenous peoples and members of the equity-seeking groups.

Equity does not mean treating everyone the same way, without regard for individual differences. Instead, equity requires acknowledging and accommodating these differences so that all employees are able to contribute their best to the organization.





Findings

Review of policies and practices

This review found that the Region's employment policies and practices could be strengthened by doing the following:

- Continue to strengthen policies, ensuring their alignment with the requirements of the Ontario Human Rights Code, and ensuring that the accommodation policy is consistent with guidance from the Ontario Human Rights Commission.
- Ensure that the training offered and the trainers contracted by Durham Region deliver training consistent with the Region's diversity, equity, and inclusion goals.
- Enshrine in policy an exemption for smudging and the use of traditional medicines by Indigenous peoples.
- Revise the Use of Scented Products in the Workplace Policy to better reflect the organization's obligation to accommodate an employee with scent sensitivity, short of undue hardship.

This review also identified a number of policies that are missing from the Region's policy framework that would support the equitable treatment of employees.

Employee consultations

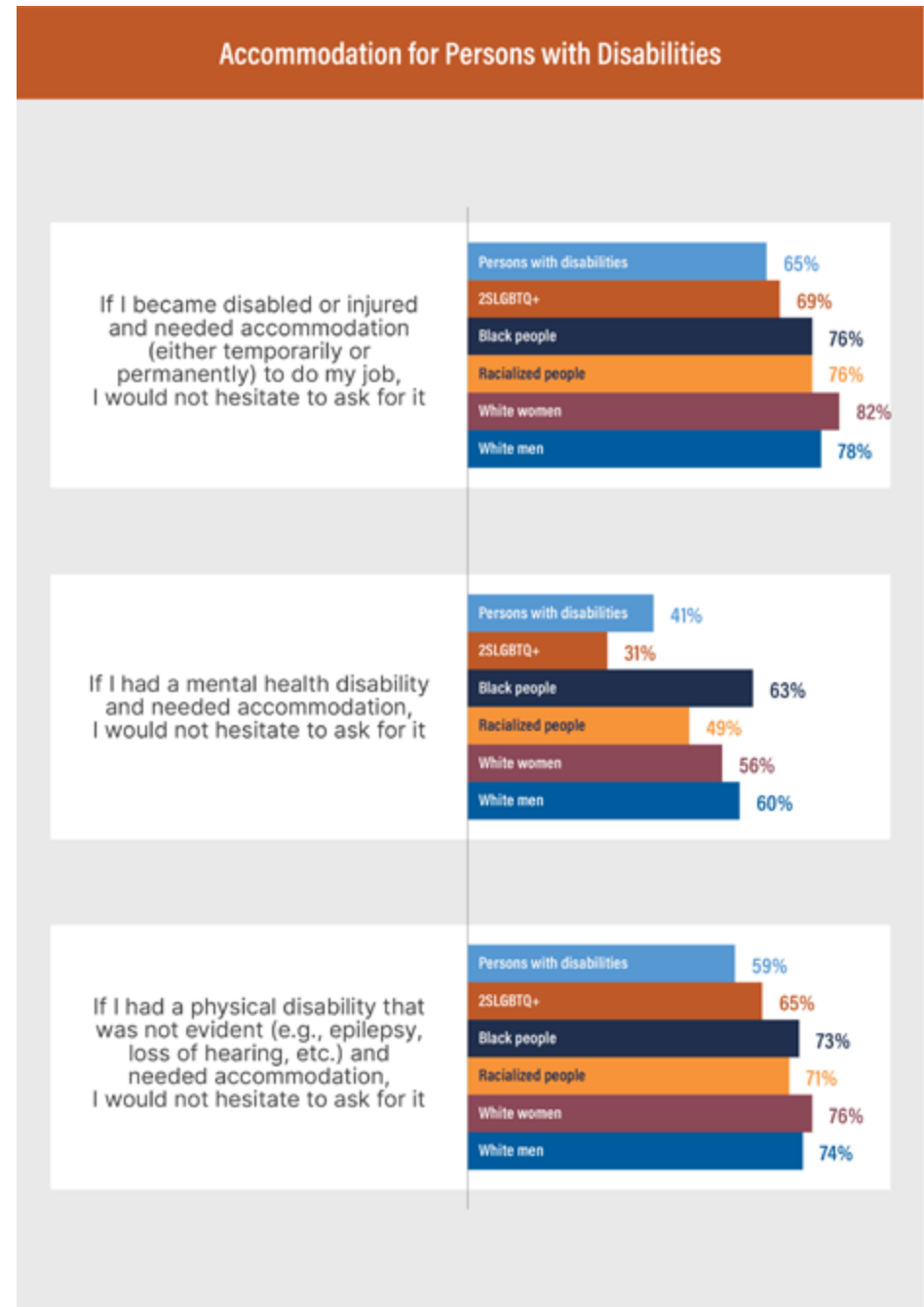
Accessibility and accommodation for persons with disabilities

The Workplace Equity and Inclusion Survey asked employees about accommodations for persons with disabilities.

As the graph shows, when asked about accommodation, the majority of each group agreed that if they became disabled or injured and if they had a physical disability that was not evident and needed accommodation to do their job, they would not hesitate to ask for accommodation. Far fewer respondents in each group agreed that if they had a mental health disability and needed accommodation, they would not hesitate to ask for it. It is notable that persons with disabilities—the group most in need of accommodation—are overall the most hesitant to ask for accommodation for a physical or mental health disability.

Throughout the consultations, employees shared their experiences requesting and receiving accommodation. A summary of the themes identified is as follows:

- Accommodation granted:** A number of employees shared their experiences of having their accommodation requests granted. They expressed that they were accommodated easily, that the process was smooth, and that they had no issue receiving the accommodations they needed.



- **Negative experiences:** Many employees shared that their experience of requesting and receiving an accommodation was negative, with some describing the experience as “horrible,” “confusing,” “cumbersome,” “embarrassing,” and “humiliating.” Some employees shared that they were treated by the person they report to and/or Human Resources staff as an inconvenience or as if they were faking their disability and need for accommodation.
- **Accommodation denied:** Survey respondents shared their experiences of having their accommodation requests denied. For some employees this resulted in their using their own money to purchase the equipment they required to complete their daily work tasks. We also learned that some employees living with disabilities have been directed to perform their duties in unsafe and inaccessible work environments, without the necessary accommodations. This has resulted in the worsening of some employees’ disabilities, while others were left unable to fulfill certain aspects of their work.
- **Limited ability to adequately deal with mental health disabilities:** Employees also shared their experience and concern with requesting accommodation for a mental health disability. They shared their perception that staff have limited understanding of and ability to deal with mental health disabilities. Some shared that it is too stressful to request accommodation, so instead they cope on their own and use sick days when they need time away from work. Some also shared that some managers’ lack of understanding of mental health means that employees are less likely to be believed and that accommodation is less likely to be granted for a mental health disability than for other types of disabilities.
- **Lack of understanding of the duty to accommodate:** Some of the employees with whom we spoke shared their concern that managers had inconsistent knowledge about the accommodation process and that each manager used a different approach to assessing the need for and providing access to an accommodation. Employees shared that access to accommodation may be dependent on the person one reports to and whether or not this person was empathetic or possessed adequate skill and knowledge of the accommodation process. Some employees, particularly those from the equity-seeking groups, expressed reluctance to disclose their need for accommodation or to request accommodation because of their relationship with their manager.
- **Long process to receive accommodation:** Timely access to accommodations was not experienced by all employees who had an accommodation need, owing to lengthy delays in approvals. These delays prevented employees with disabilities from being able to do their jobs to the best of their ability. For some, the extended period without accommodation resulted in the worsening of their condition. Human Resources reports that an accommodation process is typically delayed because of the need to obtain medical information and that, as required by the Ontario Human Rights Commission, the Region endeavours to provide an interim accommodation. Despite this process being in place, some employees reported that they have not received interim accommodation or that the interim accommodation provided has not been sufficient.

- **Fear of requesting accommodation:** Some employees shared that they had not requested accommodation because of the discomfort they felt discussing sensitive issues with their manager. These employees felt that there was room for improvement in managers' knowledge of how to assist employees with accommodation needs. Some employees also shared that stigma remains around mental health disabilities, which makes them afraid to request accommodation.

Religious accommodation

The Ontario Human Rights Code requires employers 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.

While some shared that they have had positive experiences with requesting religious accommodation, most of those who commented shared that their request had been denied or they felt that they had been discriminated against when seeking an accommodation. In the focus groups, racialized employees shared their experiences dealing with managers who could not provide appropriate supports to them because they lacked knowledge of non-Christian religious days or other faith observances. These employees felt that while there is a need to provide religious accommodation, they and some of their colleagues do not make such requests because they fear the requests will be denied or that pursuing the accommodation will negatively impact their relationship with their manager.

Work–life integration and accommodation of family responsibilities

Employers have a duty to accommodate employees based on family status. Under the Ontario Human Rights Code, family status means the status of being in a parent–child relationship. As such, accommodation of family responsibilities could include accommodating the need to care for children as well as parents. The issues and experiences shared by staff include the following:

- **Positive experiences:** A number of survey respondents believe that Durham Region is doing a great job of supporting work–life integration and providing accommodations for family care responsibilities. They shared that the Region's approach has improved over the last few years.
- **Negative experiences:** Similar to the experiences of employees who requested other types of accommodations, a number of employees shared having negative experiences requesting and receiving accommodation for family responsibilities. They shared that receiving this accommodation often depends on who their manager is. Related to this issue is taking time off to care for ailing family members and an apparent lack of knowledge of the types of leave available to employees in this regard.
- **Hybrid work:** Workplace modernization at the Region allows for a hybrid model as an alternative work arrangement for many employees. This was noted by employees as a beneficial change brought on because of the COVID-19 pandemic. This shift supported employees to better integrate their work demands and family responsibilities while still facilitating the completion of work.

Recommendations

Based on these findings, recommendations have been made to create equitable employment policies and practices and to close gaps in Durham Region's policy framework. These recommendations include the following:

- Revise a number of policies to better reflect the Region's commitment to diversifying the workforce, treating employees equitably, fostering an inclusive workplace, as well as ensuring compliance with the Ontario Human Rights Code and the Accessibility for Ontarians with Disabilities Act.
- Close policy gaps by developing a number of policies, including: Non-Disability Related Accommodation Policy; Preferred Names and Pronouns Policy; Transitioning in the Workplace Policy; and Breastfeeding/Chestfeeding Policy.
- Ensure that the Abilities Management team is appropriately staffed so that requests for accommodation are responded to and addressed in a timely manner.
- Ensure that managers and Human Resources staff are: accepting an employee's request for accommodation in good faith, unless there are legitimate reasons for acting otherwise; not asking employees for medical information that is not absolutely necessary; requesting an independent medical examination (IME) only when there is an objective basis for doing so; and not using an IME to "second-guess" a person's request for accommodation.⁷
- Educate employees, supervisors, and managers about the Region's legal obligations to provide accommodations based on any Code-protected ground, short of undue hardship.

⁷ 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>

Inclusion

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, whether Indigenous employees and employees from the equity-seeking groups are viewed and treated as competent and capable, and whether these same employees feel welcomed and included in the workplace.

Understanding employee attitudes and the corporate culture of an organization also helps to assess an organization's readiness for change and identifies the strategies required to affect and sustain change. Many workplace diversity, equity, 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 diversity programs without creating this foundation of understanding can create fear and resentment and lead to backlash.

Definition: The practice of creating a sense of belonging and involvement in the workplace, where the inherent worth and dignity of all employees are recognized and valued. An inclusive workplace capitalizes on the rich diversity among employees by valuing and respecting their talents, beliefs, backgrounds, and ways of living and working.



Findings

Review of policies and practices

Critical to fostering an inclusive organizational culture is having a strong policy framework that provides guidance to employees on what is and is not acceptable workplace behaviour, informs managers about their roles and responsibilities to foster inclusive workplaces and to address issues as they arise, and creates strong processes for investigating complaints when they occur.

While the Region has a strong policy framework, this review identified several ways in which it could be strengthened. These include the following:

- In Durham Region's next Strategic Plan, consider more deeply the diversity of the regional population and articulate the need to hire staff reflective of this diversity, enhance equitable employment policies and practices, and create an inclusive work environment.
- Revise the Harassment, Discrimination, and Racism Policy to ensure alignment with guidance from the Ontario Human Rights Commission.
- Revise the Discrimination and Harassment Anonymous Reporting Form to include all Code-protected grounds.



Employee consultations

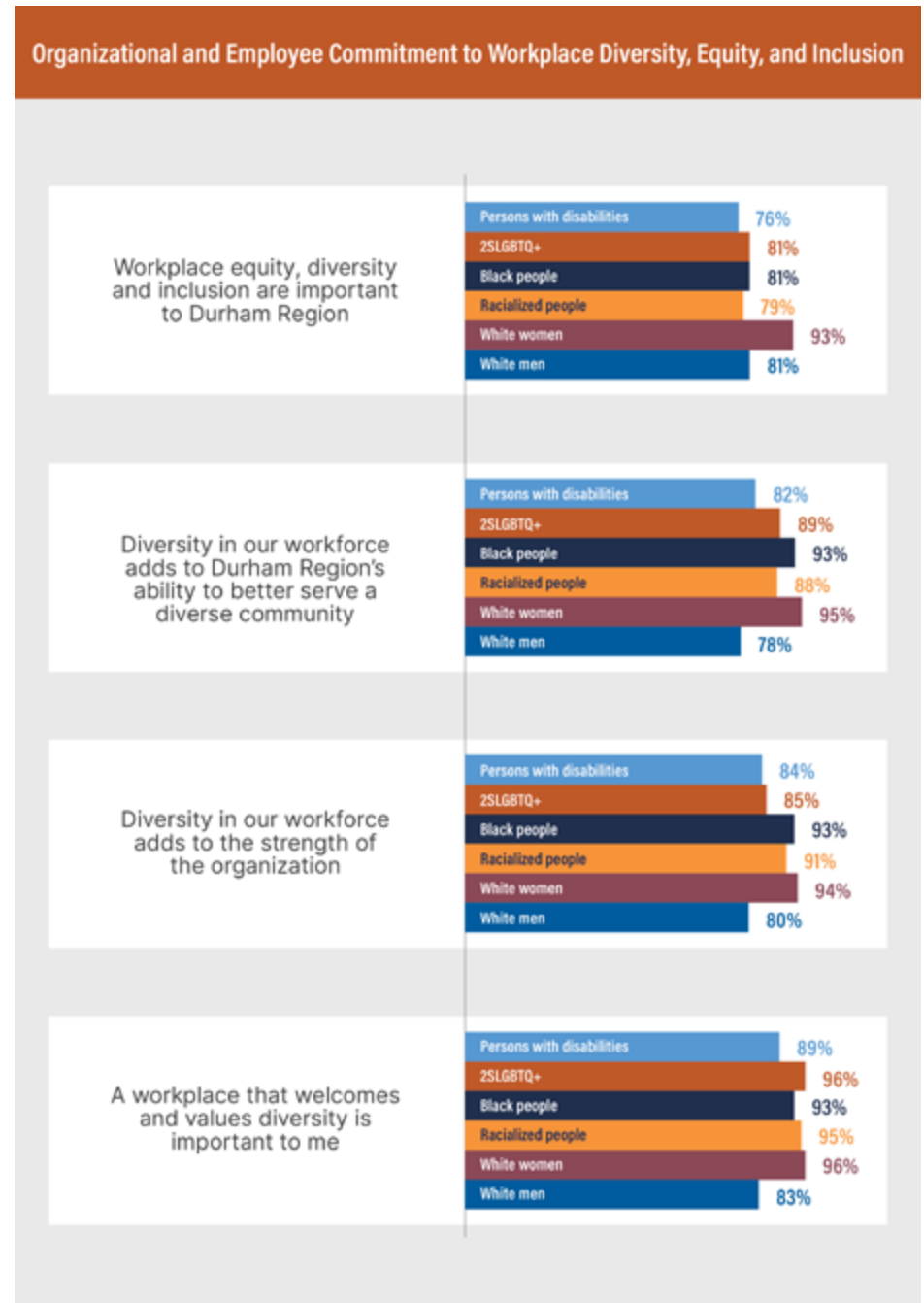
The Workplace Equity and Inclusion Survey asked respondents about their individual commitment to diversity, equity, and inclusion as well as their perception of the organization’s commitment to these principles.

As the graph shows, the vast majority of each group agreed that workplace diversity, equity, and inclusion are important to Durham Region, that diversity adds to Durham Region’s ability to better serve a diverse community, that diversity in the Region’s workforce adds to the strength of the organization, and that a workplace that welcomes and values diversity is important to them.

Positives about working at Durham Region: In the focus groups, employees were asked about the positive aspects of working at the Region. Employees shared a commitment to their jobs and serving the residents of Durham Region. They identified the following positives of working at the Region:

- The ability to work in and contribute to the community they live in
- Their enjoyment of the work and the positive relationships with the people they work with
- Opportunities for career development and advancement
- Ability to have good work–life integration, and
- Good wages and benefits

In the online survey and the focus groups, employees were also asked about their perspectives on the Region’s diversity, equity, and inclusion efforts. The analysis of their responses identified the following themes:



Support for the Region's diversity, equity, and inclusion efforts: The majority of employees who participated in the consultations expressed their support for the Region's diversity, equity, and inclusion efforts and shared that much more needs to be done. In brief, employees shared the following insights:

- Many employees who participated in the consultations shared that they appreciate the increase in the diversity of the Region's workforce. Some also shared their concern that this change has not been experienced across all departments and at all levels of the organization.
- Employees shared their perception that the Region's diversity, equity, and inclusion efforts are performative and their belief that the behaviours of supervisors, managers, and senior leaders need to change to better align with these commitments.
- Many also felt that the Region needs to look beyond the numbers to foster more inclusive workplaces and address harassment when it does occur.

Resistance to the Region's diversity, equity, and inclusion efforts: There were also employees who expressed considerable resistance to diversity, equity, and inclusion work, with some of this resistance appearing to be due to a misunderstanding of the reasons this work is being done. Resistance was also expressed based on an ideological opposition to equity work, much of which reflects talking points from the far right.





There is a real fear expressed by some White men that inclusion and making room at the decision-making table for Indigenous peoples and members of the equity-seeking groups results in a loss of power and access for them, putting them at a disadvantage in the workplace. Some also view the Region as hiring unqualified people to fill “diversity quotas.” Black and racialized employees shared that they have had their competence questioned because they are seen by their White colleagues as token hires, rather than being fully qualified for their positions. This lack of understanding of why the Region is engaged in diversity, equity, and inclusion efforts has given some employees the impression that discussions of racism and oppression is creating “segregation” in the workplace.

A few employees shared their perception that they have been “silenced” by diversity, equity, and inclusion work. The Region’s efforts to create a discrimination-free and harassment-free workplace means that they no longer have “the freedom to say what I want to say.” These employees went on to suggest that the source of problems in the workplace is not harassment and discrimination but rather that racialized people are “overly sensitive.”

In addition, when communicating with employees about the focus groups, the term “equity-deserving groups” was used. Although the Region has developed a glossary of diversity, equity, and inclusion terms, concerns were raised by White men about this terminology (e.g., are White men not also deserving of equity?). This demonstrates that more work is needed to ensure that employees have a common language to discuss and understand issues of workplace diversity, equity, and inclusion within a Canadian context.

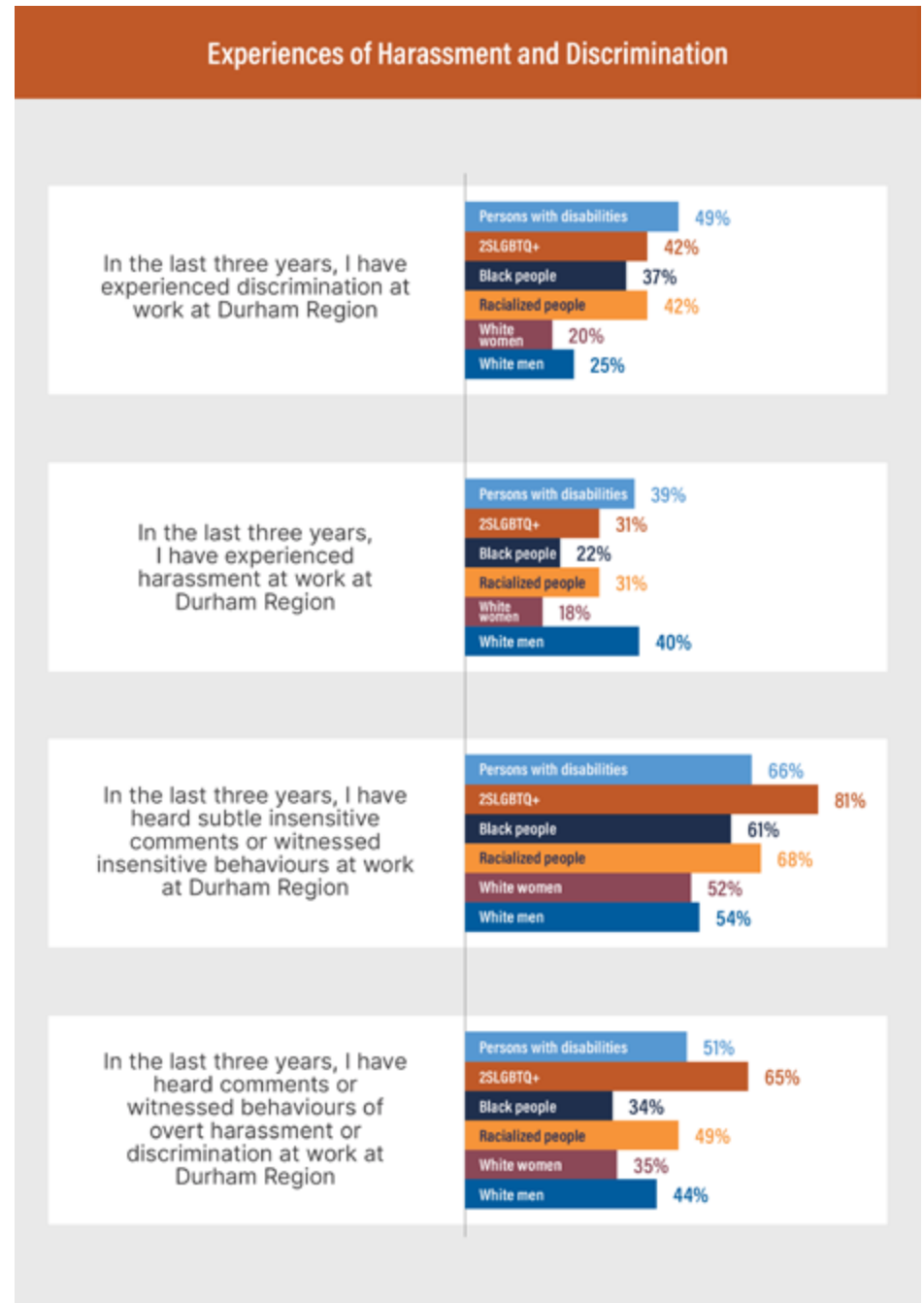
It is important to note that the resistance to diversity, equity, and inclusion work that was expressed is race based, as it was White men and White women who expressed concern about the focus on the inclusion of racialized people.

Respectful work environment: The Ontario Human Rights Code and the Occupational Health and Safety Act place legal obligations on all organizations to create workplaces that are free from violence, harassment, and discrimination.

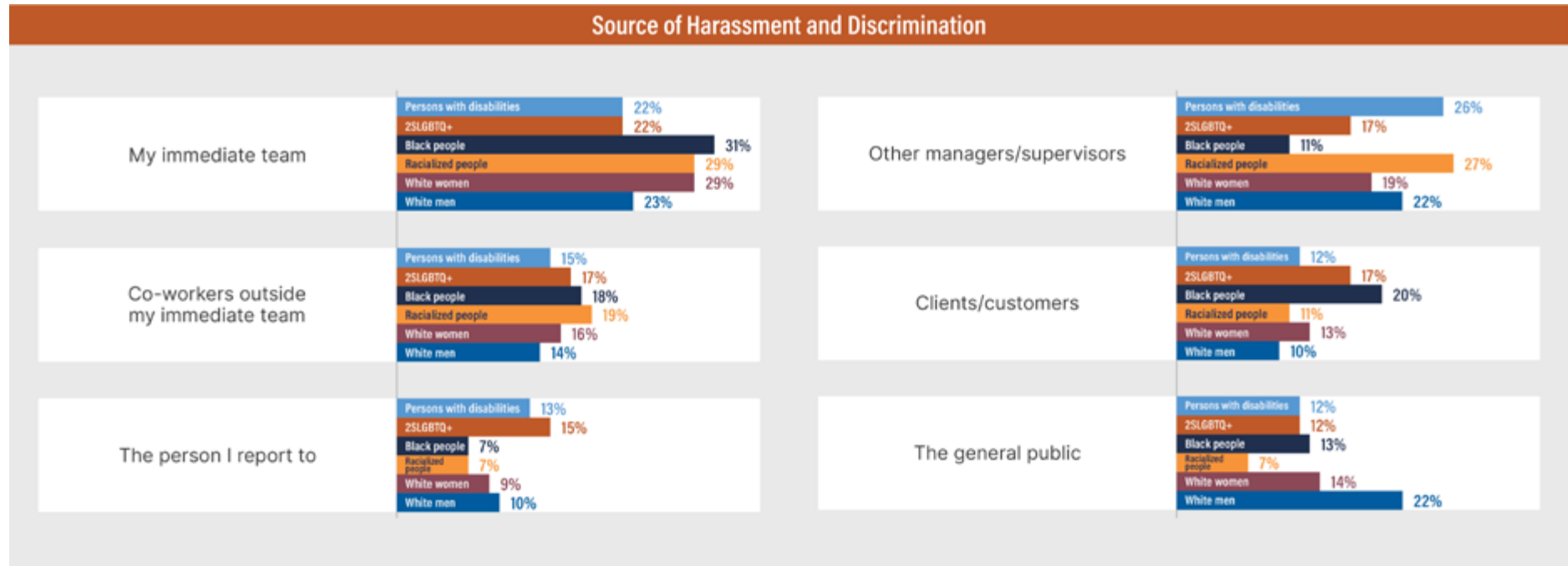
Employees with disabilities, 2SLGBTQ+ employees, Black employees, and racialized employees were more likely to report that they have experienced discrimination and harassment at work in the past 3 years. Interestingly, 40% of White men also reported that they have experienced harassment at work in the past 3 years.

The majority of each group reported that they have heard subtle insensitive comments or witnessed insensitive behaviours at work, with 81% of 2SLGBTQ+ employees reporting that this has been the case for them.

Significant proportions of each group, including 65% of 2SLGBTQ+ employees and 51% of employees with disabilities, reported that they have heard comments or witnessed behaviours of overt harassment or discrimination at work in the past 3 years.



While members of each group reported harassment from all sources, respondents identified differing sources of harassment. For persons with disabilities, other managers/supervisors were the main source of harassment and discrimination. 2SLGBTQ+ and Black employees identified their immediate team as the primary source of harassment and discrimination. Racialized employees identified members of their immediate team and other managers/supervisors in the organization. White women identified members of their immediate team as the most frequent source of these behaviours. White men identified members of their immediate team, other managers/supervisors, and the general public equally as sources of harassment and discrimination.



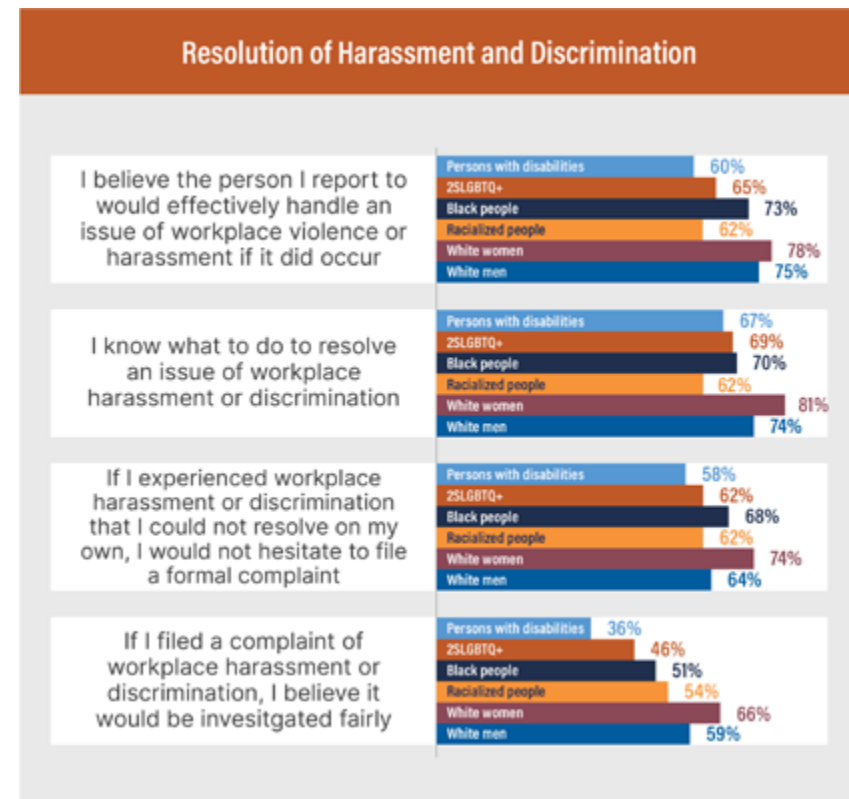
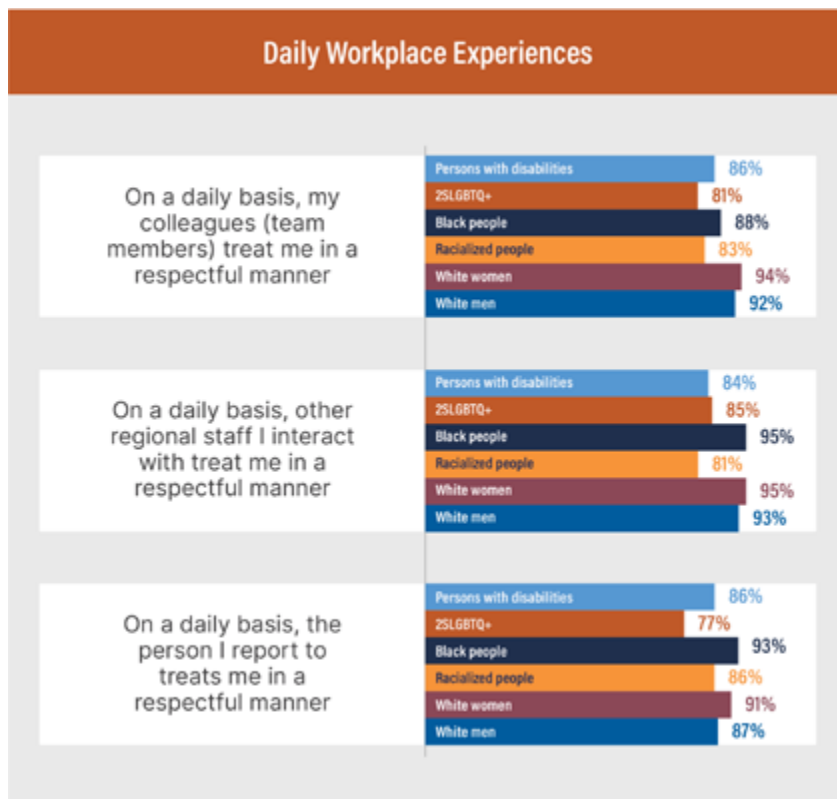
For most groups, the inappropriate behaviours were more likely to come from other Durham Region employees than from clients/customers and the general public.

Despite these reported experiences of harassment and discrimination, the vast majority of employees in each group indicated that on a daily basis, their colleagues and supervisors treat them in a respectful manner.

The majority of employees in each group reported that they feel that the person they report to would effectively handle an issue of workplace violence or harassment if it did occur and that they know what to do to resolve an issue of workplace harassment or discrimination.

Slightly smaller proportions of each group, though still the majority, reported that if they experienced workplace harassment or discrimination that they could not resolve on their own, they would not hesitate to file a formal complaint.

Far smaller proportions of employees with disabilities (36%), 2SLGBTQ+ employees (46%), Black employees (51%), and racialized employees (54%) reported that they believe their complaint of harassment or discrimination would be investigated fairly. By contrast, 66% of White women and 59% of White men agreed that their complaint would be investigated fairly.



The following themes were identified from the comments shared by employees about their experiences of harassment and discrimination at the Region.

- **Inappropriate comments:** Respondents to the survey described instances when inappropriate comments were made. They suggested that these comments were often made as “jokes,” but there were times when the comments were taken too far and became inappropriate. The comments were sometimes made directly to employees, while at other times they were not specifically directed at anyone.
- **Inappropriate behaviours go unaddressed:** A number of survey respondents shared that when they did speak up about their experience of harassment and discrimination, their manager or Human Resources did not always act to stop the inappropriate behaviours. As a result, employees shared that they are reluctant to raise any additional concerns and instead live with the inappropriate behaviours.
- **Lack of confidence in the complaints and investigations process:** Employees also commented on their lack of confidence in the Region’s investigation of complaints of harassment and discrimination. They shared that some workplace bullies are skilled at not getting caught and at ensuring that information about their inappropriate behaviours does not come out in the investigation process.
Some shared that making a complaint of harassment or discrimination is a career-limiting move, and that they would rather live with the current harassment than deal with the longer-term impacts on their careers. Some also shared that they have been discouraged by their union or manager from making a complaint.

In the focus groups, Indigenous employees and employees from the equity-seeking groups were able to discuss their experiences and perspectives. The following is a brief summary of the issues that were identified in these discussions.

Indigenous employees

Many Indigenous employees shared that their workplace has been fairly welcoming and inclusive. They had not seen much harassment but had witnessed and experienced discrimination, including microaggressions and some anti-religious sentiment. Indigenous employees surfaced a number of concerns that impact them, including the lack of focus and education on Indigenous issues, being tokenized, and being retraumatized by training. If left unaddressed, these issues could potentially undermine efforts to recruit and retain additional Indigenous talent.

2SLGBTQ+ employees

2SLGBTQ+ employees shared their experience of a “culture of old-school thinking” and lack of knowledge related to 2SLGBTQ+ issues. They shared that the work environment feels cisnormative/heteronormative, and as a result they experience repeated microaggressions, including gay men repeatedly being asked whether they have a wife rather than spouse or partner, resistance to using their pronouns, and overhearing transphobic or homophobic comments. Some felt that the work environment and attitudes of their colleagues made it unsafe to be open about their gender or sexual identity at work.



Black employees

Black employees shared how cautiously they must navigate their work environments in order to feel safe at work. Few characterized their work environment as welcoming or inclusive. Many shared that they repeatedly have their competency questioned and must navigate daily microaggressions.

Employees with disabilities

The experiences of employees with disabilities primarily relate to issues of accommodation, discussed earlier in this report. Some employees with disabilities shared that their working environment is marred by the ableist attitudes of their colleagues and the person they report to. They shared that once their disability becomes known, assumptions are made about their competence, which impacts their working relationships and opportunities for development and advancement.

Racialized employees

While many racialized employees shared that they have experienced a welcoming environment relatively free of harassment or discrimination, there were also many racialized participants who shared their experiences of racial microaggressions from colleagues, supervisors, and managers.

In addition, many shared their experiences of barriers to accessing employment with Durham Region, including barriers to accessing permanent employment. Once hired, they also shared that they experience barriers to advancement within the workforce.

White women

While White women spoke about their work environments being generally welcoming, there were some concerns raised about sexual harassment. Women also shared their experiences and concerns about barriers to hiring and advancement in the organization based on gender and their other identities.

White men

Some White men who participated in the consultations expressed concern about the impact of the Region's DEI efforts, specifically that these efforts will put them at a disadvantage in the workplace. Some also shared misconceptions that the Region has hired unqualified people to fill "diversity quotas." They felt that there are no issues of equity in the workplace and, as a result, discussions about racism and oppression are creating divisions in the workplace.

Others shared their concern about the lack of diversity in their departments and that much more needs to be done to make the Region's workplaces inclusive. They welcomed training that would allow them to engage in conversation about the issues, raise their awareness of challenges that Indigenous peoples and the equity-seeking groups face, and understand how they can be allies to their colleagues.

Recommendations

Based on these findings, recommendations have been made to foster more inclusive working environments. These recommendations include the following:

- Review the process for reporting complaints to ensure that it is user-friendly.
- Communicate any changes to the violence, harassment, and discrimination prevention policy, investigation procedures, and reporting processes to increase employee confidence in the process.

- Investigations should consistently include a review of whether management knew about the inappropriate behaviours and what action was taken by management to ensure that condonation of these behaviours is addressed in all investigations.
- All supervisors and managers should receive mandatory annual human rights training to ensure that they are capable of leading and fostering a work environment that values and is inclusive of Indigenous peoples and members of the equity-seeking groups.
- 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.
- Support the creation of Employee Resource Groups to create safe and inclusive spaces for Indigenous employees and employees from the equity-seeking groups for networking and mutual support.
- Use the findings from this report and the Staff Census to develop an Employment Equity Strategy to diversify the workforce, embed equity throughout its human resources policies and practices, foster more welcoming and inclusive work environments, and ensure accommodation and accessibility in compliance with the Ontario Human Rights Code.
- Develop a multifaceted diversity, equity, and inclusion communications/learning strategy that is updated on an ongoing basis. This may include newsletters, lunch and learns, book clubs, podcasts, and other informal methods of promoting knowledge, resources, tools, and practices.
- Share the Equity Audit report in its entirety and/or a summary of the report and the resulting Employment Equity Strategy with employees. Employees should also receive regular updates on the strategy's implementation to better understand the need for the Region's workplace diversity, equity, and inclusion efforts and to foster their confidence in the Region's commitment to this work.
- Embed issues of equity and human rights into all other training provided to employees and leaders so that they can see the connection to all the work they do.
- Conduct another Staff Census and Equity Audit in 5 years to assess progress and develop a new Equity Strategy.



The Journey Ahead



As a major employer and community partner in the region, Durham Region plays an important role in ensuring the viability of all communities by committing to hiring employees from diverse communities, backgrounds, and identities. In a time of limited financial resources, equity in employment will allow Durham Region to benefit from the creativity and innovation that a diverse workforce can offer while also becoming more responsive to Durham residents. In order to retain and get the best from employees, the Region must also continue to develop equitable employment policies and practices and foster a welcoming and inclusive organizational culture.

Durham Region also has an important role to play as a community partner in the region, by leading by example in fostering a diverse, equitable, and inclusive workplace.

Conducting this Equity Audit is an important step on Durham Region's diversity, equity and inclusion journey and contributes to the work that has already been done. And while this is an important step, the thoughtful and well-coordinated implementation of the recommendations from this report, led by courageous leadership, is critical to making sustained change.

Appendix A: Equity Audit Recommendations

Recommendation 1: It is recommended that the next iteration of Durham Region's Strategic Plan consider more deeply the diversity of the regional population and its impact on service delivery as well as articulate the need to hire staff reflective of this diversity, enhance equitable employment policies and practices, and create an inclusive work environment.

Recommendation 2: It is recommended that the Talent Acquisition Policy be revised to state the Region's commitment to diversifying the workforce and a commitment to employment equity in order to achieve this goal.

Recommendation 3: It is recommended that the Talent Acquisition Hiring Manager Guide be updated in order to better support hiring managers to engage in bias-free hiring, diversify the workforce, and comply with the Ontario Human Rights Code and the AODA.

Recommendation 4: It is recommended the Student Employment Policy be revised to specify that the hiring of students will be conducted in a bias-free manner, that the Region will encourage the hiring of Indigenous students and students from the equity-seeking groups, and that students with relatives working at the Region will not be given preference in the hiring process.

Recommendation 5: Given that summer positions and internships are often an entry point into the Regional workforce, it is recommended that the Region develop an internship program for Indigenous and racialized youth.

Recommendation 6: It is recommended that the Employment of Relatives Policy be expanded to apply more broadly to family relationships, close personal friendships, and business relationships; require the Region to annually summarize and analyze data on complaints and disclosures of conflicts; and state to whom violations of this policy should be reported, that those who report violations of this policy will be protected from reprisal or threats of reprisal, and specify that false reporting is a violation of the policy.

Recommendation 7: It is recommended that the Police Record Check Policy be revised to:

- Identify that there are three types of police record checks and specify the conditions under which each of the three types will be required, and
- Inform candidates that a police record does not preclude them from employment with the Region and that various factors will be considered to determine their suitability for employment.

Recommendation 8: It is recommended that the Employment Reference and Verification Policy provide guidance to hiring managers about how the reference check should be used in the hiring process, about the need to avoid questions related to Code-protected grounds, and how to check references where a language barrier exists (i.e., the reference is not English speaking).

Recommendation 9: It is recommended that the Employee Orientation Policy be updated to reflect current practice and to specify that accommodation policies as well as the workplace harassment and discrimination prevention policies will be included in the corporate orientation session.

Recommendation 10: It is recommended that the Performance Management Policy be updated to address the need for managers to be non-discriminatory and to equitably conduct reviews of employee performance, and the need to provide feedback to employees in an unbiased, objective, and equitable manner.

Recommendation 11: It is recommended that the DEI Division and Human Resources Department collaborate to review the training offerings and the trainers contracted to deliver this training to ensure that they are delivering training consistent with the Region's diversity, equity, and inclusion goals.

Recommendation 12: It is recommended that the Succession Management Policy and Succession Management and Planning Handbook be updated to specify the roles and responsibilities of employees, managers, senior managers, and Human Resources in the succession management process.

Recommendation 13: It is recommended that the Smoke-Free Workplace Policy be revised to provide an exemption and guidance for smudging and the use of traditional medicines by Indigenous employees.

Recommendation 14: It is recommended that the Region of Durham revise its Use of Scented Products in the Workplace Policy to better reflect the organization's obligation to accommodate an employee with scent sensitivity, short of undue hardship¹. This policy and supporting procedures should include processes to:

- Educate employees on the need to maintain a scent-free/scent-reduced workplace
- Allow for smudging/burning of traditional medicines in properly ventilated areas
- Post notices in the workplace when a scent sensitivity has been identified
- Post notices that construction/re-modelling, 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
- Include the policy statement notice on all appointment cards, stationery, room booking notices, employment postings, etc., and
- Specify wording for "Scent Free/Scent Reduced" signs and where the signs will be posted.

¹ See for example the following policies: Middlesex-London Health Unit and Ottawa Public Health. (2001). Fragrance free environment-Sample policy. Ottawa Public Health. 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 15: It is recommended that the Medical Accommodation Policy be revised to ensure consistency with the guidance from the Ontario Human Rights Code by addressing the identified issues. It is also recommended that this policy be broadened to address the provision of accommodation for all types of disabilities.

Recommendation 16: It is recommended that the Alternative Work Arrangements Policy indicate that AWAs could be a form of accommodation and that employees be referred to the Accommodation Policy for additional information (see Recommendation 15, which recommends the development of a policy to address accommodation of all types of disabilities).

Recommendation 17: It is recommended that the actions regarding accessibility and accommodation arising from this Equity Audit be used to inform the next Multi-Year Accessibility Plan.

Recommendation 18: It is recommended that the Multi-Year Accessibility Plan make explicit references to ensuring that the needs of employees with disabilities are considered for the purposes of performance management, career development and advancement, and redeployment.

Recommendation 19: It is recommended that the Region provide work opportunities for persons with disabilities by partnering with disability-focused organizations (e.g., Canadian Council on Rehabilitation and Work [CCRW], Canadian National Institute for the Blind [CNIB]); disability mentoring programs (e.g., Dolphin Disabilities Mentoring Day); and other organizations that facilitate work experience opportunities for persons with disabilities (e.g., Ontario Disability Employment Network).

Recommendation 20: It is recommended that the Religious Observance Accommodation Policy be revised to address the identified issues.

Recommendation 21: It is recommended that the Code of Ethics Policy be revised to be consistent with the changes recommended for the Employment of Relatives Policy.

Recommendation 22: It is recommended that the Harassment, Discrimination, and Racism Policy be revised to ensure consistency with guidance from the Ontario Human Rights Commission.

Recommendation 23: It is recommended that the Harassment, Discrimination, and Racism Program document be updated to be consistent with the revised policy and to address what ought to be done following an investigation in order to restore the workplace to health.

Recommendation 24: It is recommended that the Discrimination and Harassment Anonymous Reporting Form be revised to include all Code-protected grounds and that the form link to information specifically related to the maintenance of confidentiality in the investigation process. This form should also be made publicly available on the Region's website.

Recommendation 25: It is recommended that the Attendance and Lateness Policy remind managers that they are required to be alert to the possibility that a person may need an accommodation even if they have not made a specific or formal request. As such, managers

should be aware that a pattern of arriving late and leaving early may indicate that an employee requires accommodation or that the employee may be experiencing other life/personal challenges.

Recommendation 26: It is recommended that the Substance Abuse Policy be updated to address the identified issues.

Recommendation 27: It is recommended that the Guidelines for Situations Involving Domestic Violence inform managers and employees of the availability of this leave.

Recommendation 28: It is recommended that the Community Flag Policy be revised to address the identified issues.

Recommendation 29: It is recommended that the Corporate Employee File Access Policy be revised to include procedures for employees to remove, rebut, add, or replace information in their employee file.

Recommendation 30: It is recommended that the Social Media Policy and guidelines be revised to identify how complaints should be made.

Recommendation 31: It is recommended that the Dress Code Policy be revised to be gender neutral and to address the need to dress appropriately in the workplace.

Recommendation 32: It is recommended that the Employment Exit Survey Policy specify:

- Who will conduct the exit interviews
- The option to have the exit interview conducted by staff at the DEI Division along with Human Resources
- Demographic questions and questions related to workplace diversity, equity, and inclusion that should be asked on the exit survey
- That experiences of Indigenous employees and employees from the equity-seeking groups be analyzed
- That, on an annual basis, a summary of the data collected from exit surveys be summarized and presented to the CAO and Commissioner of Corporate Services to allow for the identification of any trends and issues so that they may be proactively addressed, and
- That the analysis of the data should be reviewed and used to improve regional processes, procedures, training, and so on, with the overall intent to improve the organizational culture and employee satisfaction and retention.

Recommendation 33: It is recommended that the Audio/Video Recording Policy be reviewed by the DEI Division and other relevant departments to ensure that the policy meets its original objectives while also protecting whistleblowers and employees who record harassment and inappropriate behaviours from disciplinary action.

Recommendation 34: It is recommended that the Region develop a policy for providing accommodation based on family status and gender identity, or ensure that these types of accommodations are addressed in an expanded Accommodation Policy.

Recommendation 35: It is recommended that the Region develop a policy and procedures outlining how employees can identify their preferred name (if it differs from their legal name) upon hiring (and potentially even during interviewing), as well as procedures to support the use of their preferred name, except when use of their legal name is required.

Recommendation 36: It is recommended that the Region educate staff about employees' use of preferred names and pronouns.

Recommendation 37: It is recommended that the Region develop a policy and related procedures to support transgender employees who may be transitioning at work².

Recommendation 38: It is recommended that the Region develop a Workplace Breastfeeding/Chestfeeding Policy.

Recommendation 39: It is recommended that the Human Resources Department establish a policy review schedule and process to ensure that each policy/procedure is reviewed at least every 5 years, and that this review be conducted through an equity lens in collaboration with the DEI Division.

Recommendation 40: It is recommended that the Region use its policy review process as an opportunity to incorporate gender-neutral language in all policies.

Recommendation 41: It is recommended that all Human Resources forms be provided to employees as fillable and accessible PDFs.

Recommendation 42: It is recommended that the equity and accommodation statements be revised to use Canadian terminology, focus on groups that experience systemic and persistent discrimination in employment, and specify that accommodation will be provided based on any Code-protected ground.

Recommendation 43: It is recommended that the Region identify equity-related competencies specific to each role and that these equity-related competencies be reflected within job postings and assessed during the selection process.

Recommendation 44: It is recommended that the Region engage in the best practice of asking job candidates to arrive early to an interview (e.g., 30 minutes before the start time), at which time candidates will be provided with the interview questions in writing, which gives them time to review the questions and begin to prepare their answers. If interviews are conducted virtually, the interview questions could be emailed to candidates before the interview.

² See for example:

City of Toronto. (2021). Guidelines for accommodating gender identity and gender expression.

<https://www.toronto.ca/city-government/accountability-operations-customer-service/city-administration/corporate-policies/people-equity-policies/accommodation/guidelines-for-accommodating-gender-identity-and-gender-expression/>

Recommendation 45: It is recommended that the Job Postings webpage be updated to provide the following information:

- Answers to FAQs, including the following:
 - “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?”
- The process that will occur should a Police Record Check confirm that a candidate has a police record, and
- Information for internationally trained professionals who wish to have their credentials assessed.

Recommendation 46: It is recommended that the “Strategies for Success: The Region of Durham Job Competition Process” be updated to include multiple visual examples of job seekers, interviewers, and employees who are Indigenous, East Asian, South Asian, and 2SLGBTQ+ and who live with a disability; clearly state that regardless of their dress or body language, the interview panel will try to focus on assessing their skills and abilities against the duties of the job; and inform job seekers that accommodation will be provided and that they should let their accommodation needs be known when they are invited for an interview.

Recommendation 47: It is recommended that the Region approve a budget for Human Resources to advertise job openings more broadly.

Recommendation 48: It is recommended that Human Resources explore options for promoting the Region as an employer of choice and invite job seekers from diverse communities, backgrounds, and identities to visit the Region’s website for job openings.

Recommendation 49: It is recommended that hiring managers be provided with guidance to ensure that when inviting candidates for an interview, candidates are informed that accommodation based on any Code-protected ground would be provided, that they should let their needs be known, and that their need for accommodation will not be considered when making a hiring decision.

Recommendation 50: It is recommended that training be provided to all those involved in the hiring process to ensure that they have the knowledge and skills to support a bias-free hiring process. This should include training to help them understand how and why they should provide accommodation during the hiring process and that the need for accommodation should not be considered when making a hiring decision.

Recommendation 51: It is recommended that Human Resources develop, share, and require the use of a pre-screening form that incorporates the results of the EEI to support the consistent assessment of applicants in order to determine who is to be invited for an interview and that this form be retained in the competition files.

Recommendation 52: It is recommended that the EEI be updated to:

- Ask for, but not score, a candidate's education, and allow for equivalencies where specific education is not required by law
- Only score spelling and grammar when they are related to bona fide job requirements, and
- Provide additional guidance to internal and external job seekers on completing the EEI.

Recommendation 53: It is recommended that the Region make it a requirement that each job posting include equivalent education and work experience, where specific educational credentials are not required by law.

Recommendation 54: It is recommended that hiring managers be advised to include people from diverse backgrounds as members of the interview panel.

Recommendation 55: It is recommended that all those involved in hiring receive mandatory training/education to help them understand and minimize the impact of unconscious bias in the hiring process and understand how to create bias-free hiring processes that focus on the objective assessment of candidate's job-related skills and abilities. This training should include guidance to disregard gaps in employment and to avoid asking about why an employee left a certain company or position.

Recommendation 56: It is recommended that hiring panels receive the following guidance on interviewing candidates: a question to assess a candidate's equity-related competencies ought to be included; a mix of different types of interview questions should be included (i.e., behavioural, situational, technical or knowledge, and experience); and questions that focus on assessing the candidate's skills and abilities for the job should be asked. Guidance to hiring panels may also take the form of a pool of interview questions related to various competencies; hiring managers would then select from this pool of questions.

Recommendation 57: It is recommended that a marking guide be provided for each assessment method and that it be retained, along with the scoring of each form of assessment, in the competition file.

Recommendation 58: It is recommended that the Region develop processes to ensure that it is not accepting fraudulent educational credentials.

Recommendation 59: It is recommended that the Region ensure that it is not in violation of human rights by providing guidance to those involved in the hiring process should a candidate be unable to provide their original certificate or degree.

Recommendation 60: It is recommended that a checklist be provided to specify which items should be maintained in the competition files and that a process be put in place to ensure that all relevant documents are retained.

Recommendation 61: It is recommended that guidance be provided to hiring managers on how to make the hiring decision to support the Region's goals of diversifying the workforce.

Recommendation 62: It is recommended that the Region use the findings from this report and the Staff Census to develop an Employment Equity Strategy to diversify the workforce,

embed equity throughout its human resources policies and practices, foster more welcoming and inclusive work environments, and ensure accommodation and accessibility in compliance with the Ontario Human Rights Code.

Recommendation 63: It is recommended that the Region develop a multifaceted communications/learning strategy that is updated on an ongoing basis (and that may include newsletters, lunch and learns, book clubs, podcasts, and other informal methods of promoting knowledge, resources, tools, and practices, etc.) with the goal of:

- Increasing employee understanding that various groups experience systemic and persistent discrimination in the workplace and that this places legal and ethical obligations on the Region to address workplace diversity, equity, 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 diversity, equity, and inclusion that links the organization's diversity, equity, and inclusion efforts to better serving the needs of the residents of the Region of Durham and to organizational productivity, creativity, and innovation.

Recommendation 64: It is recommended that the Region share this report in its entirety and/or a summary of the report and the resulting Equity Strategy with employees. Employees should also receive regular updates on the strategy's implementation to better understand the need for the Region's workplace diversity, equity, and inclusion efforts and to foster their confidence in the Region's commitment to this work.

Recommendation 65: 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 they do.

Recommendation 66: It is recommended that the Region conduct another Staff Census and Equity Audit in 5 years to assess progress and develop a new Equity Strategy.

Recommendation 67: It is recommended that all those involved in the hiring process be required to sign a declaration of no conflict of interest. This declaration should clearly state that the person does not have a relative, close personal friendship, or business relationship with anyone who has applied to the position or anyone who is being interviewed (depending on their role in the process); that the person has not been unduly influenced to favour one candidate in the hiring process; and that disciplinary action will be taken should it come to light that the person has made a false statement.

Recommendation 68: It is recommended that the Region communicate changes to its hiring practices to increase confidence that these processes are fair and equitable.

Recommendation 69: It is recommended that the Region develop and accept equivalencies for educational requirements (e.g., a combination of years of work experience and lower

levels of education), where a specific degree or certification is not required by law, in order to remove credentialism barriers to hiring and advancement.

Recommendation 70: It is recommended that training be provided to all Human Resources staff and managers to educate them about ableist attitudes, their legal obligations under the Ontario Human Rights Code to provide accommodation, and how the Region benefits by providing accommodation to employees (i.e., accommodation enables employees to continue working and to do their best work).

Recommendation 71: It is recommended that the Region review the workload and processes of Disabilities Management staff to ensure that staffing levels are sufficient and thus enable staff to respond to accommodation requests in a timely manner.

Recommendation 72: It is recommended that the Region establish timelines for responding to accommodation requests and that processes be put in place to track the following information about accommodation requests: the nature of the request, when the request was responded to, the amount of information requested from physicians, the number of IMEs conducted, the number of employees on short- and long-term sick leave, when accommodation is provided, and the number and types of accommodation provided. A summary report should be prepared and presented to the CAO on a quarterly basis.

Recommendation 73: It is recommended that the Region 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 74: It is recommended that the Region provide appropriate training and ongoing education for all supervisors and managers 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 and managers understand the range of physical and mental disabilities, both evident and non-evident, 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 Region'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 75: It is recommended that existing employees be provided with information about their right to accommodation, the process for requesting accommodation, the principles of accommodation, the type of information that may be required, the timelines, and FAQs to ensure they have the information to fully understand the process. Emphasis should be placed on explaining the Region'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 76: It is recommended that the Region educate all employees about their right to take time off for family responsibilities, the types of leave available, and the process for requesting time off.

Recommendation 77: It is recommended that all employees receive education and ongoing communication about the Region's duty to provide accommodation for religious, Indigenous, and spiritual observances, which may include not only time off, but also schedule changes, prayer space, scheduling of interviews, and dietary restrictions.

Recommendation 78: It is recommended that the Region ensure that prayer space is available at all work sites. The DEI Division along with Facilities should then work with supervisors and managers to ensure that these spaces are provided, that the design and space are appropriate, and that employees are aware of the location of these spaces.

Recommendation 79: It is recommended that the Region continue to communicate with employees about mentorship opportunities and the newly created buddy program.

Recommendation 80: It is recommended that the Region review the availability of current mentorship opportunities to ensure that employees in all departments have equitable access to mentorship opportunities.

Recommendation 81: It is recommended that the Region review the process for reporting complaints to ensure that it is user friendly and allows for the submission of Region-wide complaints in order to support consistency across the organization.

Recommendation 82: It is recommended that the Region communicate changes to the violence, harassment, and discrimination prevention policy, investigation procedures, and reporting processes to increase employee confidence in the process.

Recommendation 83: It is recommended that all future investigations include an assessment of whether management knew about the inappropriate behaviours and what action was taken to address them to ensure that when condonation occurs, it is addressed.

Recommendation 84: It is recommended that all supervisors and managers receive mandatory annual human rights training 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 85: It is recommended that, in addition to providing training, the Region 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 86: It is recommended that the Region support the creation of Employee Resource Groups to create safe and inclusive spaces for Indigenous employees and employees from the equity-seeking groups for networking and mutual support. Furthermore, the Region should use the Employee Resource Groups as a valuable resource to continue its work to identify and remove barriers to employment diversity, equity, and inclusion.