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## **Policy 3120 – Employment Equity**

### **1. Rationale**

The Simcoe County District School Board (SCDSB) is committed to the promotion of human rights and equity to achieve a diverse and representative workforce. The SCDSB will achieve this through fair, consistent, transparent, and non-discriminatory hiring practices that identify and remove barriers for marginalized and equity-seeking groups, including women, Indigenous peoples, persons with disabilities, members of the 2SLGBTQI+ community, and members of racialized groups, to ensure full participation at all levels within the organization.

Employment equity recognizes the value of individuals who reflect diverse identities, lived experiences, and perspectives, and ensures that each individual will have genuine, open, and unhindered access to employment and promotion opportunities, free from all barriers, including systemic or otherwise.

The SCDSB is committed to accommodating differences to allow all applicants equitable opportunities for employment and promotion based on merit.

### **2. Policy**

It is the policy of the SCDSB that all employment policies, procedures, and practices be developed and implemented in ways which will ensure that all employees are treated fairly and equitably in all matters of employment. The SCDSB will comply with its legal duty to accommodate employees, short of the point of undue hardship, as per the Ontario Human Rights Code (OHRC).

This policy is equally applicable to all individuals who apply for employment with the SCDSB. An individual who applies for employment with the SCDSB will be treated fairly and equitably, in accordance with the OHRC, and will be provided with any required reasonable accommodation during the employment application process.

### **3. Definitions**

3.1 Accommodation - making an adaption or adjustment, providing support, or making exceptions to remove barriers on protected grounds to ensure fair and equitable access, treatment, and inclusion. This enables a person to participate equally and perform to the best of their abilities when learning, working, or accessing services. The period of accommodation may be temporary or permanent, depending on particular circumstances. The duty to accommodate is a legal obligation that requires the SCDSB to provide reasonable accommodations for substantiated needs on a case-by-case basis, short of the point of undue hardship.

3.2 Barrier - anything that prevents a person from fully taking part in all aspects of the SCDSB, including physical, architectural, information or communications, attitudinal, economic, and technological barriers, as well as policies or practices.

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3.3 Designated groups - this policy identifies women, Indigenous peoples, persons with disabilities, members of the 2SLGBTQI+ community, and members of visible minorities as designated groups for employment equity.

3.4 Discrimination - unfair or prejudicial treatment of individuals or groups on the basis of grounds set out in the OHRC. Discrimination includes treatment that results in disadvantage, violates dignity, or perpetuates prejudice against a person or group in an SCDSB environment in relation to one or more protected grounds. Discrimination can be direct or indirect, individual, or systemic, and need not be intended. It also includes hate activity in SCDSB environments.

Discrimination does not include the existence of measures designed to relieve disadvantage or systemic discrimination, or to assist persons or groups who experience disadvantage to achieve or attempt to achieve equal opportunity.

3.5 Employment equity - employment practices designed to eliminate discriminatory barriers and to provide equitable opportunities in employment for members of designated groups.

3.6 Equity - a condition or state of fair, inclusive, and respectful treatment of all people. Equity does not mean treating people the same without regard for individual differences.

3.7 Harassment - “engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome” (section 10 (1) of the OHRC). The *Occupational Health and Safety Act* (OHSA) defines workplace harassment in section 1 (1) as “engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome or workplace sexual harassment.”

The SCDSB interprets this to include any behaviour which is known or ought reasonably to be known to the perpetrator to be offensive, embarrassing, or humiliating to other individuals but does not include legitimate performance management or discipline. Such conduct may include written, verbal, and/or physical conduct and may relate to (but is not limited to) any of the grounds of discrimination prohibited in employment by the SCDSB Administrative Procedures Memorandum A4075 - Dispute Resolution Procedure Arising from Workplace Harassment or Objectionable Behaviour and the OHRC. These grounds include the following: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, marital status, family status, disability or the receipt of public assistance, and other grounds as amended in the legislation or identified in case law or by policy of the Human Rights Commission from time to time.

3.8 Lived experiences - personal knowledge about the world gained through direct, first-hand involvement in everyday events rather than through representations constructed by other people.

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- 3.9 Systemic barriers - policies, practices, or procedures that result in some people receiving unequal access or unintentionally being excluded, and which create or perpetuate a position of relative disadvantage.
  - 3.10 Systemic discrimination - attitudes, patterns of behaviour, policies, or practices that are part of the social or administrative structures of an organization or sector, and that create or perpetuate a position of relative disadvantage for people, in part or in whole, because of any protected grounds. This is when the attitudes, behaviour, policies, or practices appear neutral on the surface but nevertheless have an 'adverse effect' or exclusionary impact on people because of any protected grounds.
  - 3.11 Workforce census - an anonymous and voluntary data collection tool used by Ontario public sector organizations, including school boards, for identifying and monitoring systemic disparities. By collecting the data, boards will be better able to close gaps, eliminate barriers, and advance the fair treatment of everyone. A census aligns with the OHRC, Ministry of Education, and the Government of Ontario's commitment to helping create inclusive and equitable workplaces.

The SCDSB is required to follow the Ontario Data Standards, which establish consistent, effective practices for the proper collection, use, disclosure, de-identification, and management of the personal information collected. In addition to fulfilling our obligations under the *Anti-Racism Act*, the Ontario Data Standards also outline the requirements for protection of privacy, data security, and reporting processes.

#### **4. Guidelines**

- 4.1 The SCDSB is committed to providing every applicant and employee with accommodations in hiring and employment, short of the point of undue hardship, consistent with the OHRC and the *Accessibility for Ontarians with Disabilities Act* (AODA), and a working environment that is free from discrimination and harassment. The SCDSB is dedicated to creating an inclusive work environment for all employees, especially those who are members of designated groups.
- 4.2 The Director of Education, or designate, is responsible for the development and implementation of employment equity programs, practices, and/or policies that support the inclusion of designated groups, including specifically:
  - 4.2.1 the regular review and evaluation of employee recruitment, selection, transfer and promotion procedures and practices in order to ensure that selection criteria provide equal employment opportunities for all applicants and employees;
  - 4.2.2 the publication and distribution of the provisions of this policy to all employees and applicants for positions within the system; and,
  - 4.2.3 the provision of training programs for administrators, managers, and supervisors to ensure effective application of the provisions of this policy and human rights legislation.

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- 4.3 In order to successfully create an environment in which each employee will have equal opportunity to work, develop, and advance, all administrators, managers, and supervisors will be guided by the provisions of this policy when making decisions which affect employment.
  - 4.4 All employees of the SCDSB who make decisions related to the employment status or working conditions of other employees are responsible to the Director of Education for ensuring that their decisions, practices, or activities do not result in direct, indirect, systemic, or constructive discrimination.
  - 4.5 When members of the SCDSB Board of Trustees are making decisions related to the employment status or working conditions of the Director of Education they shall ensure that those decisions do not result in direct, indirect, systemic, or constructive discrimination.
  - 4.6 The SCDSB is committed to the adoption of gender-neutral position titles and the use of inclusionary language in all meetings, policies, documents, reports, and correspondence.
  - 4.7 The SCDSB is committed to honouring the lived experiences of employees, which contribute to diversity in ideas and perspectives enriching the teaching, learning, and working environments of the board, through the SCDSB Workforce Census.

## **5. Linkage to Employment Equity Action Plan**

The SCDSB is committed to creating a culture of belonging, engagement, and success for all through deliberate actions and an intentional focus in the areas of diversity, equity, and inclusion, and Indigeneity, in alignment with the goals of the SCDSB Employment Equity Action Plan (EEAP). Current employment policies, practices, and protocols have been examined, and potential barriers have been removed to the hiring, advancement, and full inclusion of SCDSB employees. All SCDSB employees must have equal access to opportunities and participate fully in the workforce, inclusive of race, religion, ethnicity, ability, gender, and all of the protected grounds under the Ontario Human Rights Code. All SCDSB employees are to engage in this work to create a human rights culture, free from systemic discrimination.

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**6. Administrative procedures**

The Director of Education is authorized to provide the administrative procedures necessary to implement this policy.

Administrative procedures linked to this policy include:

[APM A4005 – Non-medical Leave of Absence Process](#)

[APM A4075 – Respectful Workplaces and Harassment Prevention Procedure](#)

[APM A4460 – Process for Interviews and the Selection of Staff](#)

[APM A9000 – Human Rights and Equity Guidelines](#)

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