

# EMPLOYMENT SYSTEMS REVIEW

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## REPORT



**Halifax Regional Municipality**

**Final Report**  
**January 19, 2016**



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## EXECUTIVE SUMMARY

This Employment Systems Review Report is the product of five month's work by the consulting team to conduct a thorough analysis and review of HRM's Municipal Operations Programs business unit's employment policies and practices. The goal is to identify and make recommendations for the elimination of systemic, cultural and attitudinal barriers to a diverse workforce and inclusive work environment.

This review raises a number of issues central to creating equitable hiring practices, a diverse workforce and inclusive organizational culture. It also identifies a number of issues peripheral to this work, but which will have a significant impact on whether and how well HRM can achieve its goal of diversifying its workforce and creating an inclusive organizational culture. While we have offered some very specific and easily implementable recommendations to remove systemic barriers and comply with the *Human Rights Act*, the bigger challenge for HRM will be to change the organizational culture and attitudes that create barriers to the hiring, advancement and full participation of employees from the designated groups (i.e. Aboriginal peoples, persons with disabilities, women, and racially visible individuals).

In creating a Diversity and Inclusion Office, HRM has recognized that a diverse workforce is not the only goal of this work, and that in and of itself, diversity alone offers little benefit to the organization. The bigger payoff, and more significant challenge for HRM, is creating an inclusive organizational culture in which all employees feel welcomed and included and able to contribute their best to the organization. When this happens, the organization will benefit from the strength of diversity through higher productivity and efficiency, and greater innovation and creativity.

Given the challenges the municipality faces regarding population and economic growth, this is work that cannot be left to chance. Instead, this work should be seen as integral to the community's success. More and more organizations throughout Canada are recognizing that in order to be an employer of choice, an effective provider of services, and a good community citizen, they must deliberately and thoughtfully incorporate equity, diversity and inclusion (EDI) into all aspects of their work.

As such, this requires the personal commitment of leaders to boldly lead the business unit on this journey. It requires the commitment of staff with the time, energy, commitment and tenacity to guide and nurture programs. It also requires transparency, patience as well as discussions and action that challenge the status quo, with the understanding that this is an ongoing journey and not a one-time initiative.



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## **Methodology**

While the research team was open to exploring any issue of equity that arose in the course of this Employment Systems Review, the research inquiry was focused on issues affecting the groups which HRM has identified as Employment Equity Designated Groups, i.e. Aboriginal peoples, persons with disabilities, women, and racially visible individuals.

It is important to note that while the focus is on these groups the removal of barriers to the hiring, advancement and full inclusion of these groups benefits all employees and offers benefits to the organization as a whole through improved productivity, effectiveness and responsiveness to the community served.

To conduct this research, the team used the methodology for conducting an Employment Systems Review as provided by the federal government to guide employers that must comply with the requirements of the *Employment Equity Act*. This work includes an assessment of each policy, practice or system in terms of:

- Legal compliance: to ensure they are in compliance with equity-related legislation, including the Nova Scotia *Human Rights Act*
- Consistency: to ensure they are applied in a consistent manner throughout the organization
- Job relatedness: to ensure they are bona fide and objective, and constitute a business necessity
- Validity: to determine whether they objectively predict successful job performance
- Adverse impact: to assess whether they have a disproportionately negative effect on employees from diverse communities, backgrounds and identities
- Reasonable accommodation: to assess whether there are policies and procedures in place to identify and remove barriers in the workplace that keep qualified employees from participating equally in all aspects of employment, and
- Inclusive: whether policies and practices are inclusive of people from diverse communities and identities.

The ESR blends the collection and analysis of both qualitative and quantitative data. Between September and November 2015, data was collected through the following:

- Review of hiring and promotion policies, written procedures and related documents
- Review of 29 competition files to assess how policies are implemented and any informal practices

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- Focus groups in which 33 employees participated. These focus groups allowed the research team to explore equity issues for specific employee groups
- An online survey which was distributed to employees, in which 156 employees (68% of the MOPS workforce) participated
- One-on-one interviews with 7 supervisors and 5 human resource staff.

In total, over 190 or 83% of the MOPs workforce participated in these consultations. This participation is sufficient to provide us with data to identify workplace issues and make recommendations for addressing the identified issues.

### **A Diversity and Inclusion Vision for Halifax**

With a population of over 384,000, Halifax is the largest municipality in Atlantic Canada and includes a unique mix of urban and rural areas. Like the rest of Canada, the Halifax labour market is diverse with high rates of labour market participation by women, increasing numbers of persons with disabilities in the labour market, high rates of growth of the Aboriginal population, and increased openness of LGBTQ employees.

Nova Scotia is also home to the country's oldest African Canadian communities, dating back to the founding of Port Royal in 1605.

Further, an aging population means that there are currently five generations of Canadians now in the workforce, while employees are increasingly juggling both caring for children and elderly parents. Along with this inherent diversity in the Canadian population, Canada's continued reliance on immigration for population growth means that the labour market will become increasingly racially, linguistically and religiously diverse.

2011 Statistics Canada data<sup>1</sup> highlight the diversity of the Halifax population:

- 8% were born outside of Canada (31,245 of the 348,330 residents). Almost 40% of the city's immigrant population (11,855) arrived between 2001 and 2011
- Prior to 1967 Canada's immigrants came primarily from European countries. Canada now has a more open immigration policy that assesses immigrants through a point

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<sup>1</sup> Data Source: Statistics Canada (2011 National Household Survey) Retrieved from:  
<http://www12.statcan.gc.ca/nhs-enm/2011/dp-pd/prof/details/page.cfm?Lang=E&Geo1=CSD&Code1=1209034&Data=Count&SearchText=halifax&SearchType=Be-gins&SearchPR=12&A1=All&B1=All&Custom=&TABID=1>



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system. Currently, over half (56%) of recent immigrants<sup>2</sup> are from Asia (including South, East, Southeast and West Asia)

- About 9% (35,040) of residents are racially visible, with Blacks being the largest racial minority group, representing 39% of all racial minorities (13,780)
- 3% (9,655) of the population reported an Aboriginal identity
- Community organizations estimate that 10% of the adult population belong to the LGBTQ communities
- Approximately 4% of the provincial population (aged 15 to 64) has a disability.<sup>3</sup>

These demographic and societal changes create a compelling business case for HRM to focus its efforts on creating an inclusive organization. An inclusive organization includes a workforce made up of people from diverse communities, backgrounds and identities at all job levels. An inclusive organization leverages this diversity as a source of strength, innovation and creativity, which adds to the effective delivery of services to a diverse city population.

An inclusive organization is supported by the human resource infrastructure to support equitable hiring and people management. It also has an organizational culture that embraces, values and capitalizes on what the rich diversity of its employees has to offer. It is a place where all employees feel comfortable, that is free from discrimination and harassment, and where each employee is able to contribute their best.

Along with an organizational commitment, HRM's journey to creating an inclusive organization requires the personal commitment of leaders and employees. Those within the organization need to be open to learning about and changing their perceptions of themselves and those around them. Because this is a learning journey everyone must recognize that the organization and individuals will make mistakes along the way. The challenge for everyone is to learn from these mistakes and apply this knowledge to create a stronger and more inclusive organization.

While this journey will be challenging, this is a journey that a major employer and key community partner in Halifax must undertake.

### **The Current State of EDI at HRM**

HRM has made a commitment through its strategic plan to creating a diverse workforce and inclusive work environment. But if the organization is to achieve this vision, this review finds that this work needs to better operationalize and implement this commitment.

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<sup>2</sup> Recent immigrants are defined by Statistics Canada as "immigrants who landed in Canada between January 1, 2006 and May 10, 2011"

<sup>3</sup> 2011 National Household Survey, Retrieved from:  
[http://www.labour.gc.ca/eng/standards\\_equity/eq/pubs\\_eq/eedr/2011/report/tables/table01.shtml](http://www.labour.gc.ca/eng/standards_equity/eq/pubs_eq/eedr/2011/report/tables/table01.shtml)



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HRM also needs to do more to create the conditions under which managers and employees can engage in this work. This means supporting them to understand why this work is important, and ensuring that managers have the time, knowledge and support to effectively manage staff in an inclusive manner and to implement bias-free hiring practices.

This review has identified strengths on which HRM can build as well as gaps, and critical success factors that HRM needs to address if it is to successfully move its inclusion agenda forward.

## **Organizational Strengths**

**Human Resource Policies and Practices:** Through the review of the organization's human resources policies and practices it was quite evident that the organization has a strong human resource management infrastructure on which it can build its EDI strategy and initiatives.

**Equity, Diversity and Inclusion Infrastructure:** HRM has also has begun some good work within the establishment of the Diversity and Inclusion Office and the African Nova Scotian Affairs Integration Office on which further work can be built.

The Diversity and Inclusion Office can play a critical role in developing a Diversity and Inclusion Plan for MOPS that includes the recommendations from this ESR. This Office can play a critical role in helping to increase understanding among staff of equity, diversity and inclusion. They can also provide much needed guidance and support to managers, supervisors and employees to address issues that may arise.

## **Critical Success Factors**

Four factors are critical to the success of HRM's workplace EDI efforts. Without attention to these factors they can become barriers to the successful implementation of the organization's workplace EDI efforts.

**Position EDI as a Business Imperative:** In order for this work to generate buy-in from staff, EDI must be positioned as "the smart thing to do" rather than "the nice thing to do." A more diverse workforce and inclusive work environment needs to be seen by the organization as a business imperative that will strengthen its productivity and innovation, as well as its ability to effectively and appropriately deliver services to a diverse community.

Various studies show that much of the province's and municipality's future growth will come from immigration. As such, managers and employees must understand that a commitment to EDI is critical for the continued success of the community as well as the organization. This means that equity, diversity and inclusion — in the workplace, as this report addresses, but also in service delivery — needs to be seen as integral to all aspects of HRM's work, and not an add-on.

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**Leadership Commitment and Capacity:** Senior MOPS leaders' commitment and developing their capacity to champion and lead the organization through this journey will be key to successfully undertaking this work.

Throughout the consultations for this ESR it is evident that workplace equity, diversity and inclusion are not top of mind for the organization. If HRM is to become an inclusive organization, it needs to make the commitment to continuing on the EDI journey and then take steps to operationalize this commitment. This commitment must then be reflected in the words and deeds of leaders which will then filter down throughout the organization.

**Resourcing:** There are a number of recommendations that require minimal investment, particularly in the area of revising policies. Other recommendations may require additional resourcing, either within the Human Resources Department or in other parts of the organization. Without a commitment to allocating appropriate financial and human resources to implementing these recommendations and including the implementation of these recommendations within a broader Diversity and Inclusion Plan, there is little chance of successfully and effectively making change.

It is important to note that the recommendations made within this report were made without consideration for resourcing. We have identified what we consider are the activities that the organization needs to undertake if it is to become a more inclusive organization. It is up to HRM to determine the timelines and the resourcing of these initiatives.

**Workload:** MOPS appears to be a business unit that is under-resourced and which continues to face staffing cuts. An environment in which managers and supervisors do not have the time to appropriately manage staff is not fertile ground for implementing EDI efforts. While workload is an issue peripheral to workplace equity, diversity and inclusion, it is central to the organization's ability to successfully make organizational change.

### **The Journey Ahead: Key Priority Areas**

This review has identified a number of recommendations that fall into four key priority areas.

#### **Priority 1: Strengthen the human resources, equity, diversity and inclusion infrastructure**

HRM should take immediate steps to develop a Diversity and Inclusion Plan for MOPS and create the infrastructure to not only implement the recommendations from this report, but to ensure it is coordinated with the other human resources, equity and diversity work ongoing within the organization. This includes ensuring appropriate financial and human resourcing of the organization's commitment to this work.



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HRM is to be commended for the work of Human Resources in developing structures to support bias-free hiring. While HRM's employment policies and practices has been identified as a strength on which the organization can build, recommendations have been made to further strengthen these policies and practices, and to support compliance.

**Priority 2: Acknowledge and address anti-Black racism**

HRM should acknowledge and put in place a plan to address anti-Black racism within the business unit. This should include education and training for managers, supervisors and all employees. It should also include celebrating African Heritage Month that will help employees understand the long history of African peoples in the province and their place in the community and organization. This will help counter the negative attitudes toward African Nova Scotians.

**Priority 3: Create a more diverse workforce, at all levels**

HRM needs to operationalize its *Employment Equity Policy* and achieve its stated goal of creating a diverse workforce. Diversity at all levels of the organization strengthens organizations by improving creativity, innovation and productivity. It also helps the municipality to be more responsive to the needs of an increasingly diverse community.

Further, as the population of Nova Scotia continues to age and decline, Halifax needs to do more to create a welcoming and inclusive city and work environment that attracts and retains young people from all communities, backgrounds, and identities as well as immigrants.

As such, MOPS needs to support managers and supervisors to consider diversity when hiring, while also ensuring that all employees have access to training and supports for advancement. But not only should barriers be removed, the organization should also put in place measures to promote the full participation of persons who may have experienced employment disadvantages, as committed to by the *Employment Equity Policy*.

**Priority 4: Create an inclusive organizational culture**

Leaders within MOPS must demonstrate a commitment to workplace equity, diversity and inclusion in their day-to-day interactions with employees. In addition, more could be done to increase the level of understanding among staff about EDI and the role that they each play in creating inclusive workplaces. Further, strengthening the organization's response to workplace violence, discrimination and harassment will help create safe and inclusive spaces for all employees.

**Next Steps**

Throughout this ESR we had the privilege of meeting a number of MOPS employees who are dedicated to providing excellent service to the residents of Halifax. They also expressed a deep commitment to, and desire for, a diverse and inclusive work environment that supports all employees to do their best work.



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This report confirms that action is needed and lays out various recommendations to be considered to address the identified issues. The challenge for HRM is to develop an action plan that prioritizes each recommendation and ensures that recommendations are implemented in a coordinated and thoughtful manner of real and sustained change is to be made. While the tenacious and consistent commitment of leaders is critical to making organizational change, this work must be done in collaboration with employees if it is to be successful.

We hope that leaders within MOPS take this opportunity to thoughtfully, yet boldly, engage the business unit in this important work.

## **PART A: INTRODUCTION**

### **1. Background**

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#### **1.1 External scan**

With a population of over 384,000, Halifax is the largest municipality in Atlantic Canada and includes a unique mix of urban and rural areas. Like the rest of Canada, the Halifax labour market is diverse with high rates of labour market participation by women, increasing numbers of persons with disabilities in the labour market, high rates of growth of the Aboriginal population, and increased openness of LGBTQ employees.

Nova Scotia is also home to the country's oldest African Canadian communities, dating back to the founding of Port Royal in 1605.

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2011 Statistics Canada data<sup>4</sup> highlight the diversity of the Halifax population:

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- Prior to 1967 Canada's immigrants came primarily from European countries. Canada now has a more open immigration policy that assesses immigrants through a point system. Currently, over half (56%) of recent immigrants<sup>5</sup> are from Asia (including South, East, Southeast and West Asia)
- About 9% (35,040) of residents are racially visible, with Blacks being the largest racial minority group, representing 39% of all racial minorities (13,780)
- 3% (9,655) of the population reported an Aboriginal identity
- Community organizations estimate that 10% of the adult population belong to the LGBTQ communities

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<sup>4</sup> Data Source: Statistics Canada (2011 National Household Survey) Retrieved from: <http://www12.statcan.gc.ca/nhs-enm/2011/dp-prod/prof/details/page.cfm?Lang=E&Geo1=CSD&Code1=1209034&Data=Count&SearchText=halifax&SearchType=Be-gins&SearchPR=12&A1=All&B1=All&Custom=&TABID=1>

<sup>5</sup> Recent immigrants are defined by Statistics Canada as "immigrants who landed in Canada between January 1, 2006 and May 10, 2011"

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- Approximately 4% of the provincial population (aged 15 to 64) has a disability.<sup>6</sup>

It is important to note that this diversity has been increasing and will continue to increase over the coming years. Table 1 shows the size of the racially visible and Aboriginal populations in 2006 and 2011 and their rates of growth over this time.

<b>Table 1</b> <b>Rate of Population Growth</b> <b>Racially Visible, Aboriginal and Total HRM Population</b> <b>2006 to 2011</b>								
Year	Racially Visible Population			Aboriginal Population			HRM Population	
	#	% of HRM	Rate of Growth Since 2006	#	% of HRM	Rate of Growth Since 2006	#	Rate of Growth Since 2006
2006	27,640	7%	--	5,230	1.4%	--	369,265	--
2011	35,040	9%	27%	9,585	2.5%	83%	384,330	4%
<b>Source:</b> Statistics Canada, Census of Canada, 2006; National Household Survey, 2011.								

As Table 1 shows, the racially visible and Aboriginal populations are growing at a faster rate than the HRM population overall. As such, they are making up an increasingly large proportion of the population. In 2006 the racially visible population represented 7% (27,640) of the HRM population. Between 2006 and 2011, that population grew by 27% and represented 9% (35,040) of the HRM population in 2011.

The Aboriginal population represented 1.4% (5,230) of the HRM population in 2006. This population grew by 83%, and the Aboriginal population represented 2.5% (9,585) of the HRM population in 2011. By contrast, the HRM population grew by only 4% during this time period.

Statistics Canada projects that the racially visible population will continue to grow at a faster rate than the HRM population and will result in racially visible residents representing a larger proportion of the Canadian population over the coming 15 years. Statistics Canada projects that the Halifax population will reach 418,000 in the year 2031, with the racially visible population growing to 52,000 or 12% of the population.<sup>7</sup>

Canada's population is also marked by two other key trends: the aging of the baby boom generation and declining birth rates. Born between 1946 and 1965, baby boomers are now between 51 and 70. This has meant a rapidly aging population, with the last of the baby

<sup>6</sup> 2011 National Household Survey, Retrieved from:

[http://www.labour.gc.ca/eng/standards\\_equality/eq/pubs\\_eq/eedr/2011/report/tables/table01.shtml](http://www.labour.gc.ca/eng/standards_equality/eq/pubs_eq/eedr/2011/report/tables/table01.shtml)

<sup>7</sup> Statistics Canada, Projections of the Diversity of the Canadian Population (2006 to 2031). Retrieved from:

<http://www.statcan.gc.ca/pub/91-551-x/91-551-x2010001-eng.pdf>



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boomers turning 65 in the year 2031. Statistics Canada reports that currently the proportion of the population aged 65 and over is higher in each of the four Atlantic provinces than in other parts of Canada.

Statistics Canada recently reported that on July 2, 2015, for the first time, the number of Canadians over age 65 outnumber children aged 0 to 14 years.<sup>8</sup> As the baby boom generation continues to age and birth rates remain low, those aged 65 and older will continue to increase, growing to 20% of the population in 2024, while the share of children will account for 16% of the population. The data show that seniors already outnumber children in Nova Scotia—seniors represent 19% and children represent 14% of the population in 2015.

In addition, Canada's birthrate has been steadily declining. Currently women are having between 1 and 2 children (1.6 on average). That means that the Canadian population is unable to replace itself and relies on immigration for population growth.<sup>9</sup> Statistics Canada estimates that around the year 2030 deaths could outnumber births, and Canada will be completely reliant on immigration for population growth.<sup>10</sup>

The demographic picture looks somewhat different in Nova Scotia. With a higher proportion of young people moving to other parts of the country for employment opportunities, Nova Scotia has a higher proportion of seniors than many other parts of the country. As such, deaths could outnumber births in the province much sooner than 2030. The data also show that the population of Nova Scotia has been declining since 2011, with another 20,000 people expected to leave over the next two decades.<sup>11</sup>

In fact, the province is already in population decline. As an economic development report noted in 2014, unless population and economic trends are reversed the province could experience a period of decline. Part of the strategy for change includes the attraction of more immigrants to the province.<sup>12</sup>

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<sup>8</sup> Statistics Canada, Canada's population estimates: Age and sex, July 1, 2015. Retrieved from: <http://www.statcan.gc.ca/daily-quotidien/150929/dq150929b-eng.htm>

<sup>9</sup> Statistics Canada, Fertility: Fewer children, older moms. Retrieved from: <http://www.statcan.gc.ca/pub/11-630-x/11-630-x2014002-eng.htm>

<sup>10</sup> Statistics Canada, Components of population growth. Retrieved from: <http://www.statcan.gc.ca/pub/91-003-x/2007001/4129903-eng.htm>

<sup>11</sup> Globe and Mail. How the Maritimes became Canada's incredible shrinking region. March 20, 2015. Retrieved from: <http://www.theglobeandmail.com/news/national/how-the-maritimes-became-canadas-incredible-shrinking-region/article23554298/>

<sup>12</sup> The Nova Scotia Commission on Building Our New Economy. Now or Never: An urgent call to action for Nova Scotians. February 2014.

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## 1.2 Internal scan

### 1.2.1 HRM Workforce

HRM employs approximately 4,500 full and part-time employees, plus Volunteer Fire Fighters, to deliver municipal services such as fire and emergency services, fire prevention, policing, land use planning, traffic, road and sidewalks planning, design, construction and maintenance, solid waste collection and recycling operations, public transit, recreational facilities, and parks and sports facilities. The majority of employees are frontline staff responsible for direct services to HRM residents.

Within the Municipal Operations Programs business unit, which is the focus of this Employment Systems Review, employees are responsible for repairing and maintaining streets and sidewalks, pruning and planting trees, maintaining playgrounds, green spaces and parks, and maintain the public gardens. From November to April, most MOPS employees are employed on Winter Works, a 24-hour snow clearing and winter street maintenance program.

Because of poor response rates for the 2013 Employment Equity Survey, we are unable to assess the representation of persons with disabilities, racially visible employees, and Aboriginal employees within the workforce. However, because gender is collected through the payroll system, we are able to conduct an analysis by gender.

The positions within MOPS are traditionally male-dominated occupations. As such, only 4% of the MOPS workforce is female. As Table 2 shows, there are 229 permanent employees within MOPS, of which 4% (14) are women.

Table 2 PERMANENT EMPLOYEES August 31, 2015	Women		Men		Total
	#	%	#	%	#
Directors	0	--	1	100%	1
Managers	0	--	1	100%	1
Supervisors	4	10%	36	90%	40
Unionized Employees	10	6%	183	94%	183
<b>TOTAL</b>	<b>14</b>	<b>4%</b>	<b>219</b>	<b>96%</b>	<b>229</b>

Table 3 shows that women make up a larger percentage of seasonal employees (27%) and students (19%).

Table 3 SEASONAL EMPLOYEES AND STUDENTS August 31, 2015	Women		Men		Total
	#	%	#	%	#
Seasonals	16	27%	44	73%	60
Students	5	19%	21	81%	26



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### 1.2.2 Diversity initiatives at HRM

In response to the changing needs of a more diverse community and in order to create a more diverse workforce, HRM has undertaken a number of diversity and inclusion initiatives. These include the following:

**Strategic Plan:** HRM has identified diversity as a strategic priority. In so doing, it has laid the foundation for a strong workforce that can more effectively respond to the needs of the diverse community it serves.

**Employment Equity Policy:** In 1997, the Halifax Regional Council adopted an *Employment Equity Policy* which characterizes HRM as an Employment Equity Employer. The policy commits HRM to:

- Reflect the community it serves
- Establish an accountable and results oriented Employment Equity Program designed to promote the full participation of persons who may have experienced employment disadvantages, specifically racially visible persons, women, persons with disabilities, and Aboriginal persons.

**Self-Identification Survey:** In 2013, HRM carried out a Self-Identification Survey to assess the diversity of the workforce. The response rate for the survey was significantly lower than anticipated, and as such, provides little insight into the diversity of the HRM workforce.

**Training:** HRM offers a range of training opportunities for employees, supervisors and managers in the areas of cultural competency, diversity and inclusion, mental health in the workplace, respect in the workplace and workplace rights, workplace violence, and inclusion of persons with disabilities.

**Diversity Week:** Between 2000 and 2013, HRM designated a week in October to celebrate Workplace Diversity. During this week, business units report on their diversity initiatives, employees display their diversity through panel discussions, forums, cultural displays, potluck luncheons, etc. Previously, HRM sponsored a Corporate Diversity Festival to celebrate the cultural mosaic of HRM staff and the community.

**Diversity and Inclusion Office:** In 2014, HRM created a Diversity and Inclusion Office within the Chief Administrative Office. In 2015, a Manager, Diversity and Inclusion, was hired to lead the office. Positions within this office include: Manager, Diversity Advisor (Accessibility), LIP Coordinator, and African Nova Scotian Advisor.



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The Diversity and Inclusion Office is responsible to create a Diversity and Inclusion Framework that will outline goals, activities, roles and responsibilities. The Office will also establish an implementation plan and performance measures for HRM.

The Diversity and Inclusion Office is also responsible for:

- Providing support and direction to business units in the development and implementation of business unit specific diversity and inclusion plans
- Promoting diversity and inclusion both internally and externally
- Providing diversity training to municipal staff
- Providing advice on corporate policy through a diversity and inclusion lens
- Providing consultation, guidance and coaching to employees and management regarding diversity and inclusion workplace issues.

**African Nova Scotian Affairs Integration Office:**<sup>13</sup> In 2010, Halifax Regional Council approved an Agreement with the Africville Genealogy Society to settle outstanding litigation regarding the destruction of the Africville community. The Agreement included:

- An acknowledgement of loss
- Transfer of land to allow for construction of a replica of the community church
- Allocation of \$3 million in financial support for capital construction and endowment
- Renaming the park to Africville, development of a maintenance agreement for the park, and
- A commitment to the establishing of an African Nova Scotia Affairs Integration Office (ANSAIO) or function within HRM that would enable the organization to better engage with the African HRM community.

As a result of the Africville Agreement, The African Nova Scotian Affairs Integration Office (ANSAIO) was created in September 2012 within Government Relations & External Affairs (GREA) of the Chief Administrative Office's Business Unit. ANSAIO's work focuses on collaborations with HRM business units, existing agencies, and organizations, as well as African Nova Scotian organizations, communities and residents. This work enables ANSAIO to fulfill its mandate to provide leadership, strategic direction, policy advice and expertise to all parts of

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<sup>13</sup> See:

African Nova Scotian Affairs Integration Office Update, November 13, 2013. Retrieved from:  
<http://www.halifax.ca/council/agendasc/documents/131126cai1.pdf>

African Nova Scotian Affairs Integration Office, Information Report, November 21, 2014. Retrieved from:  
<http://www.halifax.ca/boardscom/scadmin/documents/esc141215infoitem1.pdf>

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the Halifax Regional Municipality (corporate and Council) to strengthen the delivery of municipal services to the residents of African descent and African Nova Scotian communities within Halifax. ANSAIO currently exists as part of HRM's Diversity and Inclusion Office which was established within GREA in June of 2015.

### **1.3 Overview of an Employment Systems Review**

#### **1.3.1 The purpose of an ESR**

An Employment Systems Review (ESR) is a comprehensive review of written and unwritten, formal and informal employment policies, practices and procedures to identify and make recommendations for the removal of systemic and attitudinal barriers to workplace equity, creating a diverse workforce, and creating and maintaining an inclusive work environment. An ESR provides an organization with information on what is working well and what requires improvement.

An ESR identifies systemic, cultural and attitudinal barriers in the organization's employment policies, practices and procedures. These are barriers that have the effect of excluding people from diverse communities, backgrounds and identities from full participation in the workforce. They can be subtle and sometimes difficult to detect, and may be related to practices that are not related to the job or not required for the safe and efficient operation of the organization.

While ESRs are typically conducted by organizations required to comply with federal employment equity legislation, this ESR was a voluntary initiative meant to support the workplace inclusion efforts of HRM. The focus of this ESR is on the Municipal Operations Programs business unit. Turner Consulting Group Inc. was contracted in August 2015 to conduct this ESR.

#### **1.3.2 What are barriers?**

Barriers are formal or informal policies, practices and procedures that operate either by themselves or with other barriers to restrict or exclude groups of employees from entry into, advancement in, and full participation within an organization. Although any employee can be unsuccessful in the employment process for a variety of reasons, certain groups (Aboriginal peoples, persons with disabilities, women, and racially visible individuals) have traditionally and systematically faced barriers to gaining employment commensurate with their education, skill level and experience. As such, the focus is on these groups. However, issues that affect other groups that are identified through this ESR will be noted in this report.

Generally, barriers fall into three categories: systemic, cultural and attitudinal. These barriers are inter-related and can reinforce each other.



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### **Systemic Barriers**

Systemic barriers are embedded in the policies and practices of an organization. They arise from the use of criteria that are not job-related or are not required for the safe and efficient operation of the organization. Systemic barriers may have evolved from historical practices (i.e., the way the organization has always done things) that may exclude members of the under-represented communities or place them at a disadvantage in accessing job opportunities. On the surface, the policies and practices may appear to be neutral or even reasonable. Beneath the surface, however, they have a negative impact on members of certain groups.

Examples of systemic barriers include:

- Staffing through personal networks. This could mean that individuals from certain groups continue to be under-represented or excluded from the workforce because they do not hear about job vacancies and are not given the opportunity to apply, and
- Informal mentoring and networking that support the advancement of some groups and disadvantage other groups.

### **Cultural Barriers**

Barriers can also be created by an organizational culture that isolates and alienates members of the under-represented groups and one in which stereotypes and pre-conceived notions about these groups persist. This could then justify and, ultimately, reinforce the under-representation of these groups in the organization.

It is important to note that cultural barriers can also be systemic. In addition, they can influence and be influenced by the individual attitudes of employees and leaders within the organization.

Examples of cultural barriers include:

- An unwelcoming work environment that excludes or undermines the success of people from diverse communities, backgrounds and identities
- Assumptions that permeate the organization about what certain groups of people can and cannot do and which occupations they are suited for, and
- A "macho" culture, which excludes women from male-dominated occupations or positions of leadership.

### **Attitudinal Barriers**

Attitudinal barriers result from the attitudes and behaviours of individuals. They can be based on inaccurate assumptions and stereotypes as well as from an individual's actual intent to be discriminatory.

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Cultural and attitudinal barriers are not found in the written policies or procedures of the organization, and in fact may not be consistent with the organization's stated policies.

Examples of attitudinal barriers include:

- Not hiring a young woman for a job because the manager thinks she may get pregnant and go on maternity leave shortly after being hired
- Removing resumes or applications from applicants with Black or Aboriginal-sounding names because of stereotypes about these groups, and
- Not hiring a candidate with a disability because of discomfort interacting with persons with disabilities, or a lack of understanding of the Duty to Accommodate.

### 1.3.3 The benefits of an Employment Systems Review

The ultimate goal of this ESR is to allow HRM to develop and implement strategies to remove barriers to the hiring and advancement of the members of these under-represented groups. However, all employees benefit from the removal of barriers and the creation of a more inclusive organization.

In addition, there is a growing body of literature that makes a compelling business case for ensuring and supporting a diverse workforce and inclusive work environment. The literature identifies a number of benefits, which include:<sup>14</sup>

**Effective and responsive service delivery.** Many organizations, both in the public and private sectors, recognize that a diverse workforce helps them understand and respond to the needs of an increasingly diverse client population. Diversity at all levels of the organization allows the organization to be responsive to the needs of the community it serves in three areas of customer service: at the strategy level where strategic decisions about organizational direction and service delivery are made; at the design level where service design decisions are made; and at the service level which is the point-of-contact between the organization and its client.

**Better management of all employees.** An ESR will enable the organization to institute or formalize non-discriminatory policies and practices, increase transparency and consistency of its human resource practices, and support better management and treatment of all employees.

**Reduce staff costs.** Workplace equity, diversity and inclusion initiatives create a healthier working environment for all employees and a reduction in costs associated with unhealthy work

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<sup>14</sup> See *Summary Report on Engagement Sessions for a Racism-Free Workplace*. John Samuels and Associates for Labour Program, Human Resources and Social Development Canada. March 2006, and *A Business Case For Diversity*. Dr. Jeffrey Gandz. Updated Fall 2001.



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environments, including absenteeism, turnover, legal costs and staff time needed to deal with these issues.

**Improve productivity.** Workplaces which are unwelcoming of people from diverse groups can be poisoned and unproductive. Employers that create and support a work environment in which all employees feel valued and safe from harassment, and that treat their employees fairly and with respect are typically rewarded with increased morale, better performance and higher productivity overall.

**Improve corporate image.** Employers with a diverse workforce that are known to have a commitment to equity, diversity and inclusion have a more positive corporate image by the public in general and by prospective employees. The organization becomes known as a desirable place to work, which increases the organization's ability to attract and retain high calibre employees.

## 2. Methodology

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### 2.1 Employment Systems Review framework

When conducting this work, we rely on the Canadian Human Rights Commission's Framework for Compliance under the *Employment Equity Act*. This framework includes examining each employment policy, practice and system, as well as the corporate culture and work environment to determine if they present a barrier to prospective and existing employees from the under-represented communities.

While the research team was open to exploring any issue of equity that arose in the course of this review, the research inquiry was focused on issues affecting the Employment Equity designated groups, namely Aboriginal peoples, persons with disabilities, women, and racially visible individuals.

The review includes an assessment of each policy, practice or system in terms of:

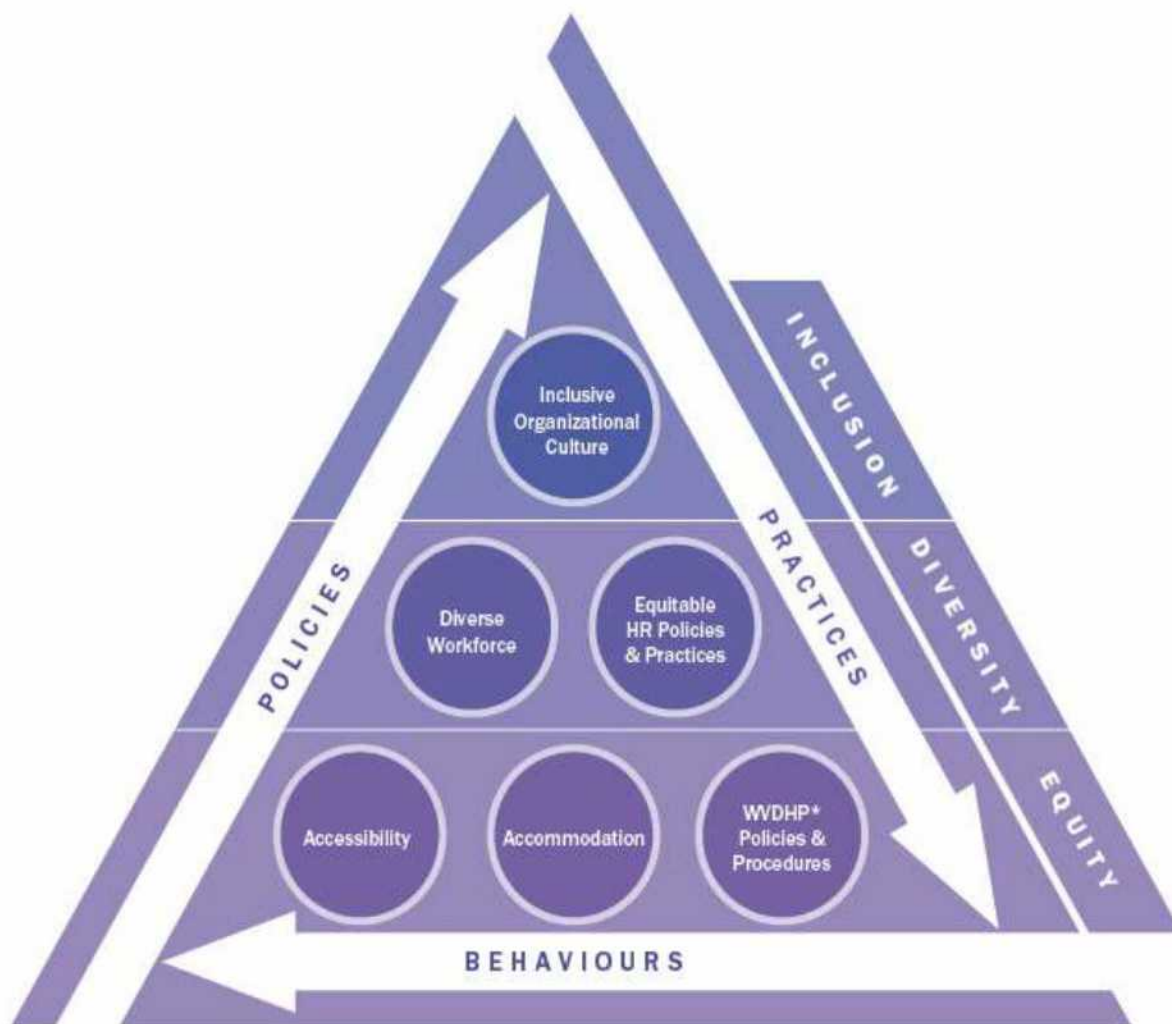
- **Legal compliance:** to ensure they are in compliance with equity-related legislation
- **Consistency:** to ensure they are applied in a consistent manner throughout the organization
- **Job relatedness:** to ensure they are bona fide and objective, and constitute a business necessity
- **Validity:** to determine whether they objectively predict successful job performance
- **Adverse impact:** to assess whether they have a disproportionately negative effect on employees from diverse communities, backgrounds and identities

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- **Reasonable accommodation:** to assess whether there are policies and procedures in place to identify and remove barriers in the workplace that keep qualified employees from participating equally in all aspects of employment, and
- **Inclusive:** to assess whether policies and practices are inclusive of people from diverse communities, backgrounds and identities.

This review also explored whether there are gaps in the organization's policies or practices that would support the creation of more equitable hiring and promotion practices, diverse workforce and inclusive organizational culture.

Turner Consulting Group Inc. has also developed a Workplace Inclusion Model™ that depicts its comprehensive approach to analyzing workplace inclusion.



\* Workplace Violence, Discrimination & Harassment Prevention



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As this model shows, in an inclusive organization, equity and diversity are embedded in the organization's policies and practices, as well as within the behaviours of managers and employees.

An inclusive organization has at its foundation an equitable workplace that is in compliance with the Nova Scotia *Human Rights Act*. It is accessible, accommodates the needs of all human rights protected groups, and is free from workplace violence, discrimination and harassment.

This organization reflects the diversity of the community it serves and embraces and values the rich diversity of its employees. It includes people of different races, cultures, religions, ages, sexes, abilities, and sexual and gender identities at all job levels. An inclusive organization recognizes that this diversity is a source of strength and innovation, which adds to the effective and efficient delivery of services to a diverse city population.

An inclusive organization also develops and works to maintain an inclusive organizational culture in which all employees feel respected, welcomed and are able to bring their full selves to work and feel valued. When this happens, employees are able and willing to contribute their best to the organization. In this organization, an inclusive organizational culture is supported by a public organizational commitment, relevant policies and the leadership of its senior managers.

## **2.2 The employment systems reviewed**

This ESR reviewed the following employment systems:

- **Recruitment, hiring and selection:** including outreach recruitment, job applications, notification and provision of accommodation, consistent application of selection criteria, interview process and questions
- **Training and development:** including access to training and career development
- **Advancement:** including access to supervisory and management positions, succession planning and mentorship
- **Working conditions:** including accommodation and respectful work environment
- **Terminations:** including turnover data and exit interviews
- **Attitudes and corporate culture:** including employee recognition, working relationships and perceptions of the organization's commitment to workplace diversity.

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## 2.3 Data collection methods

A number of methods were used in this ESR to determine what effect the organization's policies and practices may have on employees from diverse communities, backgrounds and identities, including:

### Document Review

Human resource policies, written procedures and other documents were reviewed to identify potential barriers in employment policies, as well as in the application of these policies by managers and human resource staff.

A list of the policies and documents reviewed is included in Appendix A.

### Competition File Review

Competition files are intended to be a record of the selection process. Twenty-nine files for competitions held between 2013 and 2015 were randomly selected and reviewed to determine if staffing policies and practices are applied in a fair and consistent manner. Typically a file is kept for each competition and includes information such as:

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

### Consultations with employees

An essential component of an Employment Systems Review is consultation with employees. Employees' perceptions of what happens in the organization are an important factor in determining if employment systems are fair or perceived to be fair and in identifying how organizational practices differ from organizational policies. Focus groups also allow employees to provide their perceptions about informal practices and aspects of the organizational culture that may create barriers in the workplace.

Consultations with staff were conducted through various methods and offered all employees the opportunity to provide input into this ESR. In total, over 190 or 83% of the MOPs workforce participated in these consultations. This high level of participation provides us with data sufficient to identify workplace issues and make recommendations for change.



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Consultations were held with employees through focus groups, a survey and one-on-one interviews. Supervisors and human resource staff provided input through one-on-one interviews.

**Focus Groups:** Eight focus groups were scheduled to allow various groups of employees to provide input into this ESR. Posters were distributed to each worksite to be posted. These posters provided information about the ESR and identified the dates and times of the various focus groups. Employees were asked to contact the Diversity and Inclusion Office for more information and to register for a focus group.

The discussions in the focus groups covered various aspects of employment practices and the working environment, what impact they may have on employees, barriers created by organizational culture and individual attitudes, and strategies to remove these barriers. Twenty-two African Nova Scotians, seven White men, and four White women participated in the focus groups. The limited participation of White employees in the focus groups appeared to be the result of lack of communication about the focus groups rather than a lack of interest. Comments from those who participated in the focus groups, along with site visits by the consultant, indicated that in some workplaces the posters were either not received or not posted. As such, not all MOPS employees knew about the opportunity to participate in the focus groups.

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

**Employee Survey:** A survey was also developed and distributed to all MOPS employees by supervisors. Supervisors were instructed to give employees 15 minutes at the end of a meeting to complete the survey. Employees were provided with an envelope to allow them to seal their completed survey. All surveys were returned to the HRM Project Manager who then packaged and returned them to the consultant.

In total, 156 employees completed the survey by the cut-off date, representing 68% of the MOPS workforce. Of those who provided demographic data, 108 identified as White / European, while 14 identified as African Nova Scotian. In addition, 112 identified as male and 17 as female.

**One-on-one Interviews:** In addition, one-on-one telephone interviews were conducted with seven supervisors and five human resource staff in an effort to discover management views on workplace equity, diversity and inclusion, and to identify the key challenges the organization will face in implementing the recommendations from this review.

## **PART B: FINDINGS, CONCLUSIONS & RECOMMENDATIONS**

This section includes the following information for each employment system assessed for this review:

- A description of the employment system
- The findings from the review of competition files, policies, practices, relevant documents and consultations
- Conclusions which specify the barriers and issues identified, and
- Recommendations to remove the barriers and address the issues identified.

Given that there is overlap in the various employment systems, some information is repeated in different sections, where relevant. Recommendations, however, are included in only one section and are not repeated.

### **3. Recruitment**

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The recruitment process generates an applicant pool and provides qualified candidates from which managers can select to fill the vacant position. The recruitment process provides individuals with the opportunity to know about job openings and, if interested, submit their application.

An organization's method of recruitment contributes to the diversity of its applicant pool and ultimately to the diversity of its workforce. For example, advertising a job in a local newspaper will generate a different pool of candidates than advertising the job opening by word-of-mouth through existing staff.

Five aspects of the recruitment process are reviewed in this section:

- 1) Guiding principles and policies
- 2) Job ads
- 3) Advertising job openings
- 4) Outreach recruitment
- 5) Employment application form.



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### 3.1 Guiding policies and principles

#### Findings

HRM has a number of policies and principles that state its commitment to equity and diversity and provide guidance to managers on the overall recruitment and selection process.

#### Strategic Plan

HRM's mission, values and strategic pillars are reflected in the booklet provided to employees, *Making a Difference: Our values, behaviours and conduct in the workplace*.

HRM's mission is articulated as:

We take pride in providing high-quality public service to benefit our citizens. We make a difference.

The organization's stated values are:

- Respect
- Collaboration
- Diversity and Inclusion
- Integrity
- Accountability.

Elements of the Diversity and Inclusion value are identified as:

- We embrace diversity in all its dimensions and appreciate the skills, talents, cultures and perspectives of others
- We strive to create a workplace that is representative of the community we serve
- We actively promote and support diversity within our workplace and our community
- We take action to work to eliminate barriers that may prevent someone from being able to use the services we provide
- We treat the public and our colleagues with the respect, courtesy and dignity they deserve
- We act in a fair manner towards the public and our colleagues
- We respect the individual talent and skills of our colleagues.

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### **Values and Ethics Practice**

The *Values and Ethics* practice states HRM's commitment to developing a positive workplace that values individual contributions and demonstrates commitment to all employees. It identifies the core values that will guide all employee decisions, actions and behaviours, including Valuing Diversity:

- We embrace diversity in all its dimensions and appreciate the skills, talents, backgrounds and perspectives of others
- We strive to create a workplace that is representative of the community we serve
- We actively promote and support the value of diversity within our workplace and community.

### **Employment Equity Policy**

HRM's *Employment Equity Policy* was adopted by Council in 1997. It states:

Halifax Regional Municipality is committed to reflecting the community it serves. Equality of opportunity will characterize both the ideals and the administration of the municipality.

Accordingly, Council supports the establishment of an Employment Equity Program designed to promote the full participation of persons who may have experienced employment disadvantages.

This program will support and promote the equitable participation of the following persons and groups within the administration of Halifax Regional Municipality:

- Racially visible persons
- Women
- Persons with disabilities
- Aboriginal persons.

By endorsing such a program, Council committed Halifax Regional Municipality to an Employment Equity Program that is accountable and results oriented.



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The Policy identifies a number of initiatives that will be implemented in support of this policy, including:

- Qualified members of the designated communities are actively encouraged to apply for available employment opportunities with HRM
- Qualified members of the designated communities are encouraged to self-identify in their employment application in order to be recognized as an applicant from an Employment Equity community
- Special measures may be taken to develop pools of qualified applicants from the designated communities
- Specific positions may be targeted for recruitment from a designated community or communities
- HRM conducts community outreach activities to communicate its desire to achieve the objectives of the Employment Equity Policy.

### **Manager's Toolkit**

The Manager's Toolkit walks managers through the hiring process and includes a section on diversity considerations. This section specifies HRM's commitment to the *Employment Equity Policy* and the *Immigration Action Plan*. It identifies the objectives as:

To achieve a workforce reflective of our citizens and to increase representation from:

- The under-represented groups, which include:
  - Racially visible persons
  - Persons with disabilities
  - Women (in non-traditional roles)
  - Aboriginal persons.
- The immigrant population.

It goes on to note that:

The Immigration Action Plan will fulfil HRM's diversity mandate to increase designated recruitment of under-represented groups, consider international students, recognize international credentials and work experience and consider other modes of testing.

The HR role is to support all the business units in achieving the objectives set out by the corporate Immigration Action Plan.

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**Hiring Policy (Under Review)**

This policy was revised on April 12, 2012 and is currently under review. The policy states that:

HRM practices a fair hiring process and hires employees on the basis of merit — the best individual for the position considering knowledge, skill, ability, experience, education and suitability.

The policy indicates that managers / supervisors "must give consideration to employees who may require an accommodation (Duty to Accommodate)."

The policy also includes a section "Hiring of Relatives / Nepotism" which notes that employees are not permitted to participate in or influence the hiring or placement of a member of their immediate family.

**Manager's Quick Start Checklist for Staffing**

Human Resources also provides hiring managers with the *Manager's Quick Start Checklist for Staffing* which lists the key stages and steps of a full staffing action. Hiring managers are encouraged to review the related section in the Manager's Toolkit for detailed information, procedures, tips, reminders and tools.

The staffing checklist identifies specific things hiring managers should consider at these points of the hiring process:

- Before you hire
- Staffing options
- Establish qualifications and competencies
- Develop assessment tools
- Determining potential applicants
- Advertise the job
- Staffing action process
- Decide and notify
- Feedback and review
- Close and document
- Complete critical paperwork.



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## Conclusions and Recommendations

### Strategic Plan and the Values and Ethics Practice

The strategic plan includes "Diversity and Inclusion" as a core value of the organization. This includes reflecting the diversity of the community served, treating employees fairly and equitably, and creating an inclusive work environment. These values are reflected in the *Values and Ethics* practice.

As such, HRM has created a sound foundation on which to address issues of equity, diversity and inclusion.

### Employment Equity Policy

The Halifax Regional Council adopted an *Employment Equity Policy* in 1997. While the policy makes a strong commitment to Employment Equity, it falls short in a number of areas:

- It does not assign responsibility for developing and implementing an Employment Equity Plan to any department or individual
- It does not identify the elements of an Employment Equity Plan that the organization should implement in order to identify the areas of concern, such as data collection, Employment Systems Review, etc. So while it indicates that HRM "may" implement special measures, for example, it does not commit the organization to the elements of an Employment Equity Program that would identify when special measures are needed
- While stating that HRM is committed to an accountable and results oriented Employment Equity Program, the policy does not include any accountability or reporting measures.

In the 18 years since the policy was approved, HRM has not developed a program to support the implementation of the policy. As such, it is unable to report any achievements in the implementation of this policy.

**Recommendation 1:** It is recommended that HRM update its *Employment Equity Policy* to identify the roles and responsibilities of the CAO, Human Resources, Diversity and Inclusion Office, leaders and others in implementing the policy, identify the activities that must be undertaken to implement this policy, and require that the organization report to Council annually on the implementation of the policy and the results achieved.

**Recommendation 2:** It is recommended that HRM follow through on its stated commitment to Employment Equity by developing, implementing, appropriately resourcing and monitoring an Employment Equity Program. The Employment Equity Program should model the federal requirements for employment equity, including collecting and analyzing workforce data and focusing efforts to address areas of under-representation.

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**Recommendation 3:** It is recommended that a senior leader within MOPS be identified as responsible for implementing the *Employment Equity Policy* within the business unit and the recommendations from this report. This person should report annually on the program's activities, achievements, and outcomes.

### **Operationalizing Employment Equity**

The *Employment Equity Policy* and *Immigration Action Plan* are referenced in the Manager's Toolkit and the objectives of increasing representation of the Employment Equity Designated Groups and immigrants are identified. However, specific guidance is not provided to managers in the Manager's Toolkit on how to achieve these objectives. For example, no guidance is provided on assessing foreign-earned credentials and work experience, and no mention is made about how to consider Employment Equity when hiring.

**Recommendation 4:** It is recommended that the Manager's Toolkit provide specific guidance to managers on how to achieve the organization's objectives of increasing the representation of the Employment Equity Designated Group and immigrants.

### **Hiring Practice**

This practice provides good guidance to managers and Human Resource staff regarding the hiring process. However, the practice could be strengthened by reflecting the organization's commitment to diversity and inclusion.

**Recommendation 5:** It is recommended that the *Hiring Practice* be updated to:

- Reference the *Employment Equity Policy* and the organization's commitment to creating a diverse workforce that reflects the community served
- Identify diversity as a consideration in hiring, and
- State the organization's commitment to meeting its obligations under the *Human Rights Act* to be non-discriminatory and to provide accommodation throughout the hiring and selection process.

### **Nepotism in Hiring**

Nepotism is inconsistent with HRM's desire to hire based on merit and to create a workforce that reflects the diversity of the city's population. In addition, actual or perceived unfair hiring practices, including nepotism, have a negative impact on employee morale and can erode confidence in HRM's hiring practices.

The *Hiring Practice* notes that employees are not permitted to participate in or influence the hiring or placement of a member of their immediate family. Consultations for this ESR (which are discussed in later sections of this report) indicate that there is a strongly held perception among staff that hiring at HRM is not solely merit-based and that nepotism influences who gets hired and who advances with the organization. For employees nepotism not only includes



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family relationships, but also those with whom HRM managers have a close personal relationship. In addition, some employees also noted that managers are not hiring friends and relatives themselves, but are using their positional power or relationships to influence the hiring decisions of others.

**Recommendation 6:** It is recommended that HRM take further steps to ensure that hiring decisions are not influenced by nepotism, by:

- Expanding the definition of nepotism to also include individuals with whom an employee has a close personal relationship
- Identifying the attempt to improperly influence another employee to hire one's immediate family or someone with whom they have a close personal relationship with as nepotism
- Specifying that employees are not permitted to participate in or influence the hiring or placement of a member of their immediate family or someone with whom they have a close personal relationship, including being involved in screening resumes, interviewing, or in making or influencing the hiring decision
- Identifying nepotism as a conflict of interest
- Identifying someone to which violations of this policy can be reported
- Specifying consequences for the violation of this policy.

**Recommendation 7:** It is recommended that those involved in the hiring process be held accountable for ensuring a process free from nepotism by requiring that they sign a statement to that effect and that the signed statement be maintained in the competition files.

### **Collective Agreement**

While CUPE National has a stated commitment to Employment Equity, including racial equity and gender equity, the Collective Agreement with CUPE Local 108 does not reflect a commitment to equity in employment, diversity and inclusion. Including such a clause or Letter of Understanding within the Collective Agreement sends a strong message of support of workplace equity, diversity and inclusion to hiring managers and supports the organization's commitment to diversifying its workforce.

**Recommendation 8:** It is recommended that HRM work with CUPE Local 108 to develop a Letter of Understanding or clause that reflects a joint commitment to Employment Equity, diversity and inclusion.

### **Manager's Quick Start Checklist for Staffing**

While this document provides a good checklist for hiring managers, it could be strengthened by reflecting the organization's commitment to Employment Equity, diversity and inclusion.

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**Recommendation 9:** It is recommended that the *Manager's Quick Start Checklist for Staffing* be revised to include the following:

- The need to conduct outreach recruitment when advertising the job to ensure a diverse applicant pool
- The need to provide accommodation during the hiring and selection process based on any human rights protected ground
- How to consider diversity when making the final hiring decision.

### 3.2 Job ads

The wording of and information contained in job ads have the effect of limiting or broadening the diversity of the applicant pool. In addition to describing the duties of the job, organizations with workplace equity, diversity and inclusion programs typically include wording that presents them as an organization that is welcoming of employees from diverse communities, backgrounds and identities, which helps to attract a diverse pool of candidates.

## Findings

### Job Description

The online Manager's Toolkit outlines the staffing process, and includes the preparation of a job description for new positions and a review of the job description for existing positions. It notes that the job description serves many purposes, including providing job information for posting and advertising a job, providing the basis for determining selection criteria and employee competencies, and for selecting the right person for the job.

It notes that managers or the hiring supervisor need to examine the job description to answer a range of questions, including:

- Is the job description accurate?
- Are the technical skills listed applicable to the job as it currently exists?
- Is the education and experience level appropriate?
- Are the competencies listed actually required to perform the job?
- Have you considered the physical requirements for the position?

It also includes the following reminder:

We want the best person for the job and for the organization. Let's ensure the qualifications are not inflated and that we are not discriminating against under represented groups; and that the duties and responsibilities accurately reflect the job as



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it currently exists. The idea is not to be too restrictive; there is a danger that by doing so, we may eliminate potentially qualified candidates.

The Manager's Toolkit goes on to provide additional information on determining the qualifications needed for the job:

Consider the possibility that the current qualifications may be too restrictive. For example, asking for a university degree and 10 years experience may screen out potentially good employees who have 3 or 5 years of progressive work experience.

The following reminder is also provided:

We want the best person who is suited to the position; one who has the technical skills along with the key behavioural characteristics that would be the best fit for our organization. Consider adding the line, "or suitable combination of education and experience." This will give you the flexibility of striking the right balance between education and work experience needed for the person to perform in the position.

The Manager's Toolkit also defines and discusses bona fide occupational requirements (BFOR) and instructs managers to review the job requirements to make sure that they do not intentionally or inadvertently discriminate against a particular candidate. It provides an example of a Supreme Court test for BFOR defences in cases of direct or adverse effect discrimination, which states that BFOR must be:

- Adopted for a purpose that is rationally connected to job performance
- Adopted in an honest and good faith belief that the standard is necessary for the fulfilment of that legitimate purpose, and
- That it is impossible to accommodate the employee without the employer suffering undue hardship.

Employer and union obligations under the Nova Scotia *Human Rights Act* to be non-discriminatory and to accommodate employees are also mentioned in the Manager's Toolkit.

The Manager's Toolkit identifies the following HRM Core Competencies that must be included on all job descriptions:

- Communication
- Customer service
- Valuing diversity

Managers are also cautioned to avoid using gender-based language.

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A review of the job ads in the competition file reviewed found that HRM job ads:

- Are written in easy-to-read, non-bureaucratic language
- Use non-discriminatory wording to describe the job, and
- Do not use gender or culturally-biased language.

Human Resources reports that job descriptions are reviewed when a vacancy becomes available to determine if there are any changes warranted to the duties of the job or qualifications needed for the job. As such, the job ads are based on up-to-date job descriptions.

### **Job Postings**

The Manager's Toolkit provides guidance on preparing the job postings. It identifies the components of the job posting as:

- Basic header information (e.g. internal or internal/external, position title, classification, business unit)
- Brief job description (e.g. the overall nature and scope of the position)
- Qualifications (e.g. education level and experience, technical knowledge, physical requirements, valid driver's license, criminal records check, child abuse registry)
- Assets (e.g. any "nice to have")
- Competencies, including the three HRM Core Competencies of Communication, Customer Service, Valuing Diversity
- Salary
- Hours of work.

Including this information ensures that job ads provide sufficient information to candidates to help them understand the requirements for the job and prepare their resume or application for the position.

The review of the competition files and the job ads posted on HRM's website found that job ads consistently include this information.

### **Equity and Accommodation Statements**

The following statements are included on all job ads reviewed:

We encourage applications from qualified African Nova Scotians, racially visible persons, women in non-traditional positions, persons with disabilities and Aboriginal persons in the workplace. HRM encourages applicants to self-identify.



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During the recruitment process, applicants have the right to request accommodation. Applicants invited to participate in an assessment process (such as an interview or testing) and who require accommodation, should discuss their needs with the Recruiter when invited to the assessment process.

## **Conclusions and Recommendations**

### **Equity and Accommodation Statements**

HRM'S Equity and Accommodation statements are important components of the job add and will help to encourage a diverse applicant pool and help HRM meet its obligation under the *Human Rights Act* to provide accommodation to prospective employees based on any human rights protected ground and how to express their need for accommodation.

### **3.3 Advertising job openings**

In addition to the wording of the job ad, how the organization chooses to distribute job ads affects the composition of the applicant pool. The distribution of job ads to existing employees is also important. Job ads should be made available and accessible to all employees, including those who may work in field offices, those who have a disability, and those who do not have access to computers.

## **Findings**

### **Manager's Toolkit**

The Manager's Toolkit guides managers on advertising the job opening. It also cautions them to consider the job posting requirements of the respective Collective Agreement. When deciding whether to post the job internally only or internally and externally simultaneously depends on the nature of the position, the qualifications of potential internal candidates, the timeframe, and the cost to fill the position.

The Manager's Toolkit also notes:

If you are conducting a recruitment focussing on the immigrant population or the under represented groups, your Senior HR Consultant can assist in circulating your posting to the appropriate agencies.

None of the competition files reviewed found that the hiring manager was focused on conducting a recruitment focused on the immigration population or the under-represented groups.

An advertising template is also provided to ensure consistency in HRM job ads.

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### **Level of Education**

Our review of the competition files indicates for various manual positions, the level of education cited is, "Grade 12 or equivalent education and experience."

### **Equivalencies**

The competition file review found that unless a specific level of education, diploma or degree is needed for the position, HRM notes on the job ad that it accepts a combination of education and work experience. This helps to remove barriers to both younger and older workers, women returning to the labour market, and immigrants among others.

### **Hiring Policy**

The *Hiring Policy* specifies that vacancies no longer than 12 months may be filled at the discretion of the manager/supervisor, giving consideration to the following:

- A posting or other call for Expressions of Interest may be advertised internally
- The position could be deemed a developmental opportunity, with minimum requirements for the position being waived or amended
- Filling the vacancy through Succession Planning, in consultation with Human Resources, and
- Operational requirements impacted by the employee filling a short-term vacancy.

The policy states that all vacancies longer than 12 months and permanent vacancies are generally filled by competition. Exceptions must be approved by the Director of Human Resources. Competitions "may be posted internally only or posted both internally and externally."

### **Collective Agreement**

The Collective Agreement notes that when there is a position to be filled either temporarily or permanently, HRM is to:

post notice of the position in the Employer's offices, shops and on all bulletin boards for a minimum of fourteen (14) calendar days so that all members shall know of the vacancy or new position.

### **Advertising Job Openings Externally**

HRM uses its website as the primary means of advertising job openings. For professional or specialist positions, broader advertising is conducted, including advertising in newspapers, through professional associations, and through online recruiting websites.



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### **Advertising Job Openings Internally**

In consultations with employees, they indicated that job openings are not always posted on bulletin boards or not posted for 14 days. Because anyone has the ability to remove documents from the bulletin boards, it is not certain whether job ads are posted and then removed by employees, or whether they are not posted at all. As a result, employees do not consistently know about job openings and are therefore not able to apply to positions for which they are interested.

Human Resources reports that administrative staff have been identified at each work location to be responsible for posting job ads to each job board. Our site visits, however, we found that bulletin boards did not exist in each location for these job ads to be posted. Instead, supervisors noted that computer kiosks are available at the workplace for employees to access the online job postings.

In order to support employees in MOPS to use the kiosks, Human Resources reports that several pre-scheduled sessions for the CUPE workforce at the Turner Drive and MacKintosh Street depots were held. Four HR staff were on site to assist employees with creating their on-line account and the creation of a job profile. The individual account information was written on a card and provided to each employee for their ease of use (username and password) for future job opportunities. Human Resources notes that employees can create career alerts that will send job notifications to their email address so they are available for review at home.

In our consultations with employees, much concern was expressed about these kiosks. Some indicated that they were not always able to log-on to the system, while others indicated that the system didn't always allow them to apply to job openings.

### **Website**

This review found several positive aspects to HRM's website for job applicants. The link for the Employment webpage is accessible from HRM's homepage and is therefore easy for job-seekers to locate and access. The Employment page includes pictures of a diverse group of employees, and as such, demonstrates a commitment to hiring a diverse group of employees. The page also lists a number of benefits to working for the municipality, including competitive salaries and benefit packages, career opportunities, commitment to diversity in the workplace, and work-life balance.

The Employment page includes Frequently Asked Questions that addresses common questions that job applicants may have, such as:

- When does HRM post positions?
- What is the closing period for a position?
- How do I know if my application has been received?



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- What information is used to screen my submission?
- Do I have to disclose my personal information?

## **Conclusions and Recommendations**

### **Level of Education**

Including the statement, "Grade 12 or equivalent education and experience" on the job ads for manual workers may cause those with less than a Grade 12 education to not apply even though they may have equivalent education and experience. As such, it could create a barrier to those in the African Nova Scotian and Aboriginal communities who, as various studies show, do not experience equitable educational outcomes from the public education system.

**Recommendation 10:** It is recommended that HRM reword the educational requirement for manual jobs to reflect the level of education needed to successfully enter the position.

### **Posting of Job Ads at Each Worksite**

Lack of access to information about job openings creates barriers to existing employees applying to these positions. Further, it undermines employees' confidence in an open and fair hiring process, and as such creates further barriers as these employees may not apply to these job openings when they do become aware of them.

Lack of access to job ads also undermines HRM's ability to select the best person for the job as not all employees who are qualified for, and interested in, the position have the opportunity to know about and apply for the job. Failure to ensure that job openings are posted in each worksite also violates the terms of the Collective Agreement.

There also appears to be confusion about how existing employees are to be informed of job openings. Many employees expect them to be posted on the bulletin boards, while some supervisors indicated that bulletin boards are no longer used and employees should be accessing job openings via the computer kiosks. Further, some employees indicated that they have difficulty accessing the computers available at the worksites. It is unclear whether the issue is with the computer program itself, or with employees' ability to effectively use the computers. If the organization is relying on employees to know about and access job ads via the kiosks, this could pose a barrier to a group of employees who are not computer literate and could disproportionately impact Aboriginal and African Nova Scotian employees.

**Recommendation 11:** It is recommended that HRM find a reliable and consistent method to notify existing employees about job openings.

**Recommendation 12:** It is recommended that HRM allow existing employees to apply to job openings through a means other than the online Applicant Tracking System. For example, they

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could apply using a paper-based application form, which could then be entered by Human Resource staff into the online Applicant Tracking System.

#### **Information Provided to External Job Seekers**

While HRM's website provides good information to job seekers, it does not provide information to newcomers including how to get their foreign-earned credentials assessed.

**Recommendation 13:** It is recommended that the HRM Employment webpage be updated to include job seekers with information for newcomers to support their ability to secure employment with HRM, including how to get their foreign-earned credentials assessed.

### **3.4 Outreach recruitment**

Outreach recruitment has been a valuable, practical and successful tool for many employers to reach members of diverse communities and ensuring greater diversity within the applicant pool. Outreach recruitment has two primary purposes:

- 1) To let job-seekers from diverse communities, backgrounds and identities know about specific job openings
- 2) To demonstrate that the organization welcomes applications from members of diverse communities, backgrounds and identities.

Without the relationship building that is inherent in outreach recruitment, job-seekers may hear about specific job openings, but may not apply if they perceive the organization to be unwelcoming of people from their community, background or identity.

### **Findings**

The *Employment Equity Policy* commits HRM to conducting "community outreach activities to communicate the desire to achieve the objectives of the Employment Equity Policy."

Human Resources reports that within MOPS, outreach recruitment initiatives have been developed in collaboration with the African Nova Scotian Affairs Integration Office. In collaboration with the African Nova Scotian Affairs Integration Office, MOPS/HR developed a resume workshop that was presented to youth from under-represented communities. These presentations occurred during the month of February to encourage under-represented youth to apply for student and/or seasonal positions with HRM.

Human Resources reports that in 2013, MOPS collaborated with the African Nova Scotian Affairs Integration Office to discuss avenues for targeted recruitment. The Office assisted with the advertisement in the African Nova Scotian community through their network of associations, groups, and committees. Human Resources reports that these efforts resulted in a marginal increase in the number of African Nova Scotians applying to student positions.



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There has not been any specific outreach or advertising of job openings to the Aboriginal community.

In the consultations, some employees indicated that HRM makes use of headhunters to seek out applicants for senior positions. Human Resources indicates that HRM does not provide guidance to these agencies to ensure that they seek out and include on the shortlist qualified candidates from diverse backgrounds.

## **Conclusions and Recommendations**

If HRM is to create a more diverse workforce within this business unit, it needs to engage in outreach recruitment in order to attract applicants from diverse communities, backgrounds and identities and to ensure that it does not have an image of being a "closed shop" within these communities.

**Recommendation 14:** It is recommended that the Human Resources Department develop and implement an outreach recruitment strategy that provides some or all of the following activities:

- Advertising individual jobs or employment programs, or guiding the public to HRM's website, through community and ethnic newspapers and websites and church bulletins
- Sharing job ads with community and employment agencies that support job seekers from diverse communities, backgrounds and identities
- Holding open houses to showcase jobs within MOPS and providing information to potential applicants about the application and selection process
- Sharing information with high schools about jobs with MOPS and public service in general through Career Days and other relevant activities
- Participating in job fairs held by community agencies and educational institutions.

**Recommendation 15:** It is recommended that HRM analyze the self-identification data to determine whether barriers to hiring a more diverse MOPS workforce exist at the pre-application stage (e.g. assess the extent to which members of diverse communities apply to job openings) or whether members of these communities do apply but are not successful in the selection process. This analysis will help to focus its efforts to diversify the workforce.

**Recommendation 16:** It is recommended that when engaging headhunters, HRM instruct them to seek out and include on the shortlist qualified Aboriginal, disabled, racially visible and female candidates.

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### 3.5 Employment application form

#### Findings

HRM only accepts resumes through its online Applicant Tracking System which allows for regular reporting and metrics. Human Resources reports that if applicants do not apply on-line then the information reports that are circulated to the CAO and Directors would be incomplete.

In order to accommodate job seekers who do not regularly use computers, HRM ensured that the Applicant Tracking System does not require applicants to have an email address.

They report that the system is easy to navigate and is simple for job seekers who are not computer literate. In the FAQs on the Employment webpage, the following information is included:

**Do I need an email address to apply on-line using 2xBrassRing?**

No, you do not need an email address to apply on-line. If you do not provide an email address, you will be contacted by phone if you are considered for an interview. However, providing an email address allows you to receive on-line communication from HRM with respect to the status of your application. As well, if you have forgotten your password, the system will be able to assist you. If you have not provided an email address you will have to create a new profile.

In addition, Human Resources reports that applicants are able to email their resume to jobs@halifax.ca. However, our review of the website does not indicate that this information is provided to job seekers.

Our review of the online application form indicates that all questions reviewed reflect the duties of the job and collect information related to the bona fide occupational requirements.

When applying online, applicants can upload a resume or insert text into an online form. They are then asked the following questions:

- Are you legally entitled to work in Canada?
- Have you been convicted of a criminal offense for which a pardon has not been granted?
- Have you previously been employed by Halifax Regional Municipality?

The online application form also has an Employment Equity section that allows applicants to self-identify and includes the following information:

By voluntarily providing information about yourself in these areas, you will assist Halifax Regional Municipality to more effectively meet its commitment to improve employment



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opportunities for members of under-represented groups. If you would like to self identify, please choose from the list:

Member of Aboriginal Peoples of Canada  
Member of Racially Visible Group  
Persons with Disabilities  
Women

## **Conclusions and Recommendations**

### **Accepting Applications by Email**

While Human Resources indicates that job seekers do not have to apply through the Applicant Tracking System, the information provided on the HRM website does not indicate that applications are accepted by email.

**Recommendation 17:** It is recommended that job seekers be informed that HRM will accept resumes by email and that this information be prominent on the Employment page of the website and on each job ad.

### **Self-Identification Data Collection**

While the online application form allows job applicants to self-identify as belonging to the Employment Equity Designated Groups, it has a number of shortcomings, including:

- The form allows the job applicant to self-identify as belonging to only one group. As such, a racially visible woman, for example, is not able to self-identify as both a woman and racially visible
- The question groups all racially visible employees together and does not allow HRM to collect and analyze disaggregated data to analyze barriers to African Nova Scotians in particular, compared to other racially visible groups
- While HRM has placed an emphasis on hiring immigrants, the survey does not allow applicants to self-identify as an immigrant
- Definitions are not provided to allow for accurate self-identification. As such, job applicants may not be able to determine if they should self-identify as disabled or as a "Member of a racially visible group" (a term that not everyone might be familiar with and one which is not used outside of Nova Scotia).

It is important to note that if immigrants are added to this list, it should be defined to ensure that it is capturing the information HRM is looking for. Specifically, HRM should determine if the focus is on newcomers, i.e. those in Canada less than 5 years, versus all immigrants, i.e. anyone born outside the country, regardless of how long they've lived in Canada.

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**Recommendation 18:** It is recommended that HRM update the self-identification section of the online application form to:

- Allow job candidates to self-identify as belonging to more than one group
- Allow for the collection of disaggregated race-based data
- Allow for the collection of data on immigrants
- Provide definitions to allow for accurate self-identification.



## 4. Hiring and Selection

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

The nature of the hiring and selection process leaves this system extremely vulnerable to systemic and attitudinal barriers. Consequently, it is important to ensure that only job-related criteria are used to assess candidates at each stage of the process and that there is diversity on the interview panel to help mitigate cultural and personal biases.

Many organizations use a formal hiring process to reduce subjectivity in the hiring and selection process and more closely align hiring decisions with a merit-based assessment of candidates. These organizations establish selection criteria before the process begins and ensure that these criteria reflect the job description and the bona fide requirements of the job. In a formal process, all candidates are assessed against the same pre-screening criteria to determine who to invite for an interview. At the interview stage, candidates are asked the same questions and are administered the same test under the same conditions, except where accommodation is required.

While research indicates that a formal selection process does not guarantee that subjectivity is completely eliminated, it does help reduce the level of subjectivity in the process and the impact of bias on hiring decisions. Further, without a formal selection process in place, individuals can unintentionally work against the organization's strategic initiatives and human rights obligations. Research also indicates that informal selection processes can often result in successful candidates being those who most resemble the people who conduct the interview and will therefore limit the organization's ability to diversify its workforce.

### 4.1 Accommodation in the hiring and selection process

#### Findings

##### Manager's Toolkit

The staffing process is outlined for managers through the Manager's Toolkit. The Manager's Toolkit notes that the Nova Scotia *Human Rights Act* prohibits discrimination on enumerated grounds. It also notes that accommodation obligations may arise in relation to any of the enumerated grounds and there may be exceptions to the prohibition of discrimination. It refers the reader to *The Basic Guide to the Work of Nova Scotia Human Rights Commission* for further information regarding duty to accommodate and undue hardship.

The Toolkit notes that it is the responsibility of the job applicant to make their needs known, by requesting accommodation measures, and, if possible, suggesting the type of accommodation that would be appropriate.

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### **Accommodation Statement**

HRM does have an accommodation statement that articulates the organization's commitment to providing accommodation in the hiring and selection process:

During the recruitment process, applicants have the right to request accommodation. Applicants invited to participate in an assessment process (such as an interview or testing) and who require accommodation, should discuss their needs with the Recruiter when invited to the assessment process.

### **Conclusions and Recommendations**

#### **Manager's Toolkit**

The Manager's Toolkit reminds hiring managers that they have an obligation to provide accommodation during the hiring and selection process. It also notes that it is the responsibility of the job applicant to make their accommodation needs known.

However the Toolkit does not help hiring managers understand what accommodation may be required in the hiring and selection process so that they can appropriately respond to requests that are received.

**Recommendation 19:** It is recommended that the Manager's Toolkit provide examples for hiring managers about what accommodation may be required in the hiring and selection process.

#### **Accommodating candidates based on any human rights protected ground**

While HRM includes an accommodation statement on each job ad, it does not indicate that accommodation will be provided based on any human rights protected ground. This is important, given that most people associate accommodation with disabilities, and not the other protected grounds.

In addition, given that some people may not be familiar with the term accommodation in the human rights context, it might be important in the FAQs section to define what is meant by accommodation.

**Recommendation 20:** It is recommended that the accommodation statement be updated to ensure that job applicants understand that accommodation will be provided based on any human rights protected ground, including disability, family responsibilities, and religion.

**Recommendation 21:** It is recommended that the FAQs section of the Employment webpage answer the question, "What is accommodation?" and provide examples to help job applicants understand whether they should be requesting accommodation.



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## 4.2 Use of a competitive process

### Findings

The *Appointments Practice* applies only to non-union positions and recognizes that, "From time to time, Directors and Managers need the flexibility to make appointments to positions rather than follow the normal selection process." It outlines the situations when appointments are appropriate and the considerations that must be taken into account.

This business practice is intended to:

- Give managers flexibility to respond quickly to unique staffing situations
- Foster confidence in appointment decisions and in the integrity of the appointment practice
- Reduce the stress and uncertainty that employees often feel when their position is at risk of being eliminated.

In the consultations with employees, the issue of appointing individuals to job openings without a competition was not raised.

## 4.3 Screening criteria

Typically, screening criteria reflect the qualifications stated on the job ad and are used to assess each applicant against the skills and abilities needed to perform the duties of the job. This allows Human Resources staff and the hiring manager to fairly and consistently assess job applicants and determine who to invite for an interview.

### Findings

The review of competition files indicates that each job applicant is assessed against pre-established screening criteria. The automated application system allows human resources to more easily and consistently assess the qualifications of candidates against the established requirements of the job.

## 4.4 Tests

Tests are often used in the selection process as a more objective measure of a candidate's knowledge, skills and abilities.

### Findings

The review of the competition files indicated that various job relevant assessments are used in the selection process. While written tests were found in the competition files reviewed, Human Resources also notes that a number of practical tests are also used for various positions. For example, in the hiring of Cement Finisher, a test conducted would have the candidate frame

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and pour either a slab or curb, and an Arborist would demonstrate their abilities climbing or falling a tree.

The competition file review found that in some cases written tests were scored blindly, i.e. the candidates' names were not included on the test. As such, the marking of the tests are more objective than if the candidate's names are included.

Human Resources reports that while they do not have a policy that requires tests to be scored blindly, this is encouraged by Human Resources.

In the consultations with employees, some raised concerns that some newly hired seasonal / student employees were unable to meet the physical demands of the job. They noted that physical testing was not part of the hiring process to ensure that new employees are able to perform the bona fide job requirements.

## **Conclusions and Recommendations**

### **Scoring of Written Tests**

The best practice of scoring written tests blindly should be made standard practice as it reduces biases in the hiring process and, consequently, supports the diversification of the business unit.

**Recommendation 22:** It is recommended that HRM require that the blind scoring of written tests be the standard practice of the organization and be reflected in the Manager's Toolkit and other written documents to support the hiring process.

### **Physical Demands Testing**

The best practice of testing to ensure that new employees are able to meet the bona fide job requirements extends also to physical demands testing. This will ensure that new hires are able to meet the physical demands of their new position.

**Recommendation 23:** It is recommended that HRM incorporate testing of new employees to ensure that they are able to meet the physical demands of the job.

## **4.5 Interviews**

In a formal competition process, interview questions are designed to assess each candidate against job duties and qualifications. The general practice is to predetermine the questions, ensuring that they reflect the skills and abilities needed for the job, identify a score and weight for each question or category of questions, and ask the same questions of all candidates.

Ensuring consistency in the interview questions helps to ensure that staffing decisions are based on a fair assessment of the candidate's skills and abilities against job-related criteria, rather than an interviewer's subjective assessment of the candidate. Studies have shown that the more subjectivity there is in a hiring process, the less likely women are to be successful in



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the process.<sup>15</sup> This finding likely also holds true for candidates from diverse communities, backgrounds and identities.

Studies have also found that bias and error on the part of the interviewer is a key reason why the candidate who is most likely to perform well in the job is not always hired.<sup>16</sup> Without the standardization of the interview process, supported by adequate training, interviewers may make hiring decisions based on "gut feeling" and intuition, which could have a negative effect on the hiring of individuals from diverse communities, who may be qualified and well-suited to the job.

For decades, studies in Canada and the United States have been conducted on the impact of gender, race, and anti-immigrant bias in various aspects of employment. These studies have found that both conscious and unconscious biases influence interactions with and the assessment of job candidates. When comparing men and women with the same employment background, evaluators tended to rate the men higher in various areas, including job performance and leadership ability. Some studies found that when there was a hiring decision to be made, men of equal skill and ability were more likely to be hired over their female peers. The same was found in studies that compared the assessment of White and Black men. Some studies also found that higher hiring criteria were set for women and Black men over their White male counterparts, and their work experiences were undervalued. In Canada, there is also evidence to suggest that the work experience of immigrants, particularly racialized immigrants, are also undervalued.

In order to minimize the effect of bias on candidates from diverse communities, backgrounds and identities organizations typically strive to ensure there is diversity on interview panels to increase the validity of the interview as a primary selection tool, and to decrease the differences in outcomes between the candidates from various groups. Having diversity on the interview panel decreases the likelihood of gender or cultural bias in the interview process, and in turn, increases the fairness – and perceptions of fairness – of the process.

In addition, interviewers, no matter how well intentioned, may also tend to favour those more like them, as well as those they know on a personal basis or with whom they have previously worked. A diverse interview team would help mitigate this bias.

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<sup>15</sup> *Recruiting, Integrating and Retaining Women Police Officers: Strategies that Work*, by Chief Joseph Polisar, Garden Grove, California, and Donna Milgram, Institute for Women in Trades, Technology & Science. The Police Chief. October 1998.

<sup>16</sup> 7 Keys to Successful Employment Selection Decisions, by Stephen Moulton. Action Insight Inc. (n.d.)

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## **Findings**

### **Involvement of Human Resources**

Within MOPS, Human Resources is consistently involved in hiring at all levels. Human Resource staff:

- Work closely with the hiring manager to determine staffing needs, position requirements, and selection tools
- Prepare a staffing plan that is used as a project plan for hiring, and
- Post jobs, conduct screening of applicants, develop selection tools, chair interview panels, and communicate with candidates.

### **Use of an Interview Panel**

The review of the competition files indicates that interview panels of two or more individuals are consistently used in the hiring process.

### **Diversity on the Interview Panel**

Neither the policies nor competition files indicate hiring managers are instructed to make an effort to include colleagues from diverse communities, backgrounds and identities on the interview panel. Given the composition of supervisory and management staff, interview panels may include women, but will consist of all White interviewers.

Human Resources notes that they occasionally have a person from outside HRM sit on interview panels.

### **Interview Questions**

The majority of the interview questions for the competitions reviewed were job-related and could be objectively scored. In most cases, elements of an appropriate response are provided for interviewers to support consistent scoring of the interviewees.

Those on the hiring panel are provided the following, very good, instruction regarding asking probing questions:

Probing questions have been provided to guide the interview board through the interview process. These questions should be asked when a panel member has some concerns about the quality of the answer that is being provided, and for clarification purposes. Board members are not limited to the probing questions that have been provided, however, the questions being asked must be for clarification purposes.



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The review of the competition files found examples of very good interview questions designed to allow job candidates to demonstrate their skills and abilities needed for the job. Examples of such interview questions include:

- Describe your concept of anti-icing strategy, including issues such as types of weather, micro climates, science of different methods, future technologies, Atlantic region challenges.
- With the close working relationship with City Hall, you will often be contacted directly to handle time-sensitive issues. Understanding political realities is critical in successfully delivering this key role. What experience do you have in this regard and describe your approach in these situations.
- As the [Manager of the work unit], you will be expected to engage employees and create a positive workplace in a unionized environment. Please provide an example where you have had to bring a group of people together as a team to achieve a significant or challenging goal. What did you do specifically to ensure the team worked well together? Now provide an example of a time when you have had to lead a team where the results were not positive. What were the lessons you learned from this experience?

However, some questions may not support the bias-free assessment of job candidates. For example:

Please describe how your knowledge and experience is applicable to this position and why you applied for it.

This question might be too open-ended for many employees, particular those in manual positions who may not have the interviewing skills to fully respond to this question as the interview panel would like. In addition, asking candidates why they applied for the position does not assess the candidate's skills and abilities for the job, and therefore, allows for subjective assessment of the candidate. Further, this question is inconsistently used in competitions; in some of the competitions, this question is scored, while in others it is not.

### **Diversity Competencies**

While hiring managers are instructed to include the three HRM Core Competencies of Communication, Customer Service, and Valuing Diversity on the job ad, questions related to Valuing Diversity were not found in any of the competition files reviewed. Most notably questions related to this competency were not asked in competitions for leadership positions.

### **Interview Notes**

While most interview panels appeared to keep good notes of candidates' responses to the interview questions, interview notes were not always included in the competition files. In one

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case, the interviewer's notes suggested that factors other than the candidate's abilities to do the job were considered: "First impressions — bright — seems engaged."

Instruction sheets from Human Resources found in many competition files include the instruction, "You may take interview notes." It does not state the importance of complete interview notes to the fair and consistent assessment of each job candidate or to defend the hiring decision should it be challenged.

### **Scoring**

Interview scoring sheets were found in all the competition files reviewed. These scoring sheets include interview questions, "look fors," and related scores for each question. In most cases, a pass for the interview is considered to be 70% or higher. These scoring sheets provide sufficient information to the interview team to enable them to appropriately and consistently assess the responses of each candidate.

The Interview Process forms found in some competition files describes HRM's approach to scoring:

The selection board will evaluate the overall quality of the answers that are provided, and will come to consensus at the end of each interview. If one person rates the candidate as outstanding and another board member rates the candidate as very good, a thorough discussion pertaining to the justification of the results must occur, and consensus reached.

You may take interview notes, however, do not record scores on the interview sheet. All scores will be reached by consensus and recorded on the post interview report.

The sheet goes on to provide the 10 point rating system:

- Exceptional:      10 points - The candidate meets the selection criteria and has virtually no undesirable characteristics — outstanding.
  
- Above Average: 8-9 points - The candidate is well qualified and may be expected to perform quite well in spite of very minor deficiencies in basic abilities. Since these limitations are minor, they do not pose a problem.
  
- Average:         6-7 points - In most respects this candidate is average and meets the basic requirements of the position.
  
- Below Average: 3-5 points - Marginal or borderline candidate about whom there is a serious doubt with respect to ability to perform satisfactorily.



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Unacceptable: 0-2 points - Seriously deficient and unsatisfactory.

## **Conclusions and Recommendations**

### **Diversity on the Interview Panel**

Diversifying the interview panel helps to mitigate the impact of bias on the hiring decision. This is particularly important in a business unit with limited diversity among those making the hiring decisions.

**Recommendation 24:** It is recommended that Human Resources include at least one woman, Aboriginal person, or racially visible person on the interview panels to diversify the interview panels. This may mean including someone from the Diversity and Inclusion Office, someone from outside the organization, or a supervisor or manager from another HRM business unit on the interview panel.

### **Interview Questions**

While generally the interview questions found in the competition files reflected the skills and abilities for the job, HRM could improve upon them by including questions related to the Valuing Diversity competency. Candidates should be asked about their ability to work with a diverse group of co-workers and clients. In particular, supervisors and managers should be asked about their experience with and approach to comfortably managing a diverse group of employees and appropriately intervene when issues arise.

**Recommendation 25:** It is recommended that all interviews include a question to assess the candidate against the Valuing Diversity competency, particularly when interviewing for leadership positions.

**Recommendation 26:** It is recommended that all interview questions be closely linked to the assessment of the skills and abilities of the candidate as it relates to the job. Questions asked to get candidates to review their knowledge and qualifications could be restructured to support candidates to review their resume or work history as it relates to the knowledge and skills needed for the job.

### **Interview Notes**

Keeping good notes on the candidate's responses to the interview questions is critical in order to fairly assess the candidate against the skills and abilities to do the job. These notes will also be critical to defend the organization's hiring decisions should it be challenged through a grievance or human rights complaint.

**Recommendation 27:** It is recommended that the Manager's Toolkit and other related materials, indicate that those on the interview panel are *required* to take notes during an interview. These documents should provide guidance with respect to the completeness of these notes and that these notes should be verbatim.

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### Scoring

The research suggests that it is best for members of the interview panel to independently score the candidate before discussing their scores with others on the panel. When interviewers know that they will have to discuss and be accountable to the other panel members for their score, they become more objective and thorough in their scoring. This process allows each interview panel member to independently score each candidate without being influenced by the perceptions of others.

While the information provided by Human Resources supports the use of consensus scoring, panel members are not required to independently score job applicants before coming to a consensus with the other panel members. Further, they are not required to take notes on the candidate's responses to each question. This allows for the interviewer's assessment of the candidate to be based on their subjective impression of the candidate's responses to interview questions, their memory of the candidate's responses, as well as influenced by the others on the interview panel. Requiring notetaking and independent scoring, prior to consensus scoring, minimizes the impact of bias on the assessment of each candidate.

The description of someone who earns 10 points in response to question is a bit problematic. It states:

The candidate meets the selection criteria and has virtually no undesirable characteristics.

While the descriptions for the other scores references deficiencies as they related to the requirements of this position, this description refers to "undesirable characteristics" which can open the door to the candidate being assessed on personal characteristics unrelated to their ability to successfully perform the duties of the job.

**Recommendation 28:** It is recommended that interview panel members be instructed to score the candidate's responses to each question independently, prior to the discussion with other panel members and coming to a consensus with the other panel members.

**Recommendation 29:** It is recommended that the wording for the rating scale be changed to refer solely to the candidate's skills and abilities to perform the duties of the job.

## 4.6 Seasonal and student hiring

### Hiring Process

Human Resources reports that MOPS hires approximately 30 students and 12 new seasonal employees each year. These positions create an important feeder pool for permanent positions. As such, seasonal and student hiring creates the main opportunity to diversify the MOPS workforce.



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In January 2015, Human Resources completed a review of the seasonal and student hiring process for Road Operations and Construction and provided recommendations for improving the hiring process.

The report identified the following strengths of the process:

- Online application process
- Human Resources involvement in the process.

The report also identifies a number of areas that require improvement, including:

- Clarification of roles and responsibilities
- Timeliness to meet operational requirements
- Documentation
- Quality of candidates/hires
- Support for Client Services and Hiring Managers.

A total of 21 recommendations were developed to help improve the recruitment and selection process.

### **Recalling Seasonal Employees**

A number of African Nova Scotian employees with whom we consulted indicated that they have experienced difficulties with the seasonal recall process. They indicated that they did not receive their recall notice and that employees with less seniority were recalled ahead of them. While some of these incidents were recent, occurring in the last year, other incidents occurred up to 10 years ago.

Human Resources reports that seasonal employees are sent Intent to Recall Notices through registered mail in the spring of each year. The Intent to Recall Notice is used to determine how many seasonal employees are available to return to work. This information is also used to determine how many new hires will be required once returning seasonal employees are in place.

The letter gives employees a timeframe and manner in which to notify HRM of their intent to return. Once the employee information has been gathered, the employer enacts the recall and notifies employees of the date they are to report to work and their respective assignment.

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The length of notice provided to seasonal employees was also raised through the employee survey as an issue for both Black and White employees. Seasonal employees noted that the short recall notice they sometimes receive negatively affects their ability to plan their lives. Coupled with the poor treatment of seasonal employees, the short notice to return to work gives the impression that they are not valued. As one employee noted:

*As a seasonal, there is ABSOLUTELY no flexibility. Even the call back is a clear indication of how we are treated. I got 48 hours notice.* [REDACTED]

## **Conclusions and Recommendations**

### **Seasonal and Student Hiring**

Seasonal and student employment are a key entry point to the organization and workforce. As such, ensuring fair and equitable access to these positions is important. As such it is important that the recommendations made from the review of the process be implemented, along with the recommendations from this ESR.

In addition, by ensuring that there is diversity among seasonal and student hires, HRM can support its efforts to increase the diversity of the MOPS workforce. This may include setting aside a proportion of these positions for racially visible and Aboriginal students, as is allowed by the *Human Rights Act*.

In addition, gathering the experience of students through an exit survey is important to identify any issues and areas that need to be strengthened to support the hiring of students from diverse communities, backgrounds and identities.

**Recommendation 30:** It is recommended that the 21 recommendations made from the 2014 Summer Employment Recall Review be implemented to improve the recruitment and selection process.

**Recommendation 31:** It is recommended that MOPS use the student hiring program and the hiring of new seasonal employees to diversify its workforce and that a certain number of these positions be designated for this program, e.g. 25-50%.

**Recommendation 32:** It is recommended that a student exit survey be used to determine the extent to which students from diverse communities, backgrounds and identities have access to summer positions within MOPS and to identify any issues or challenges they experienced during their employment with HRM.

### **Recall of Seasonal Employees**

The process for the recall of seasonal employees is critical to ensuring the continuity of a knowledgeable seasonal workforce. Providing sufficient notice to seasonal employees is also an important way to demonstrate that HRM values and respects them.



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**Recommendation 33:** It is recommended that a review of the recall process, including a survey of seasonal employees, be conducted to identify and resolve the issues associated with recalling seasonal employees.

## 4.7 Background checks

Reference checks gather qualitative information about the candidate's performance, skills, weaknesses and overall performance in previous jobs. How candidates performed in a previous position is a good indicator of how they are likely to perform in the new position.

### Reference Checks

The Manager's Toolkit provides guidance to managers on conducting reference checks and security checks. It notes that:

Reference checks are an important method of assessing the reliability, suitability, fit and integrity of a candidate. Reference checks are conducted on the top candidate only.

The Toolkit notes that reference checks must be documented in the competition file and identifies the four key questions that must be asked of every referee:

- What is your relationship to this person?
- Are there any performance-related issues that I should be aware of?
- What is their attendance record like?
- Would you re-hire this person?

The manager is responsible for ensuring that reference checks are conducted fairly and consistently and that the information received during the interview is verified. The Manager's Toolkit also notes that reference checks are pass or fail (which is a best practice) and rankings may change as a result of the reference check. It also notes that if a candidate does not have favourable references, "the hiring Manager is to discuss the results with the candidate to give him/her an opportunity to provide further explanation. Managers are under no obligation to hire a candidate who has an unfavourable reference."

The *Telephone Reference Check* document provides a series of questions to be asked of referees. This is provided by Human Resources and is a guide for managers. It includes questions such as:

- Please comment on the quality and quantity of work output
- How would you describe his/her overall performance?
- Identify greatest strengths

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- Identify greatest areas for improvement
- Reaction to pressure
- Reaction to constructive criticism
- Did he/she show initiative? Was he/she productive and did he/she produce a high quality of work?
- Has this employee ever been reprimanded, counseled, or otherwise disciplined for any conduct at work or off duty?
- Did he/she show any tendencies towards aggression or violence? How did he/she manage his/her anger or frustration?

### **360 Reference Check for Leadership Position**

The Manager's Toolkit also notes that 360 degree reference check (i.e. from Supervisors, peers, customers, Managers, subordinates, and other stakeholders) provides multi-source feedback on the candidate's performance and accomplishments and that it is normally used for managers and directors.

Human Resources provides a *360 Reference Check for Leadership Position* form. It asks referees to agree or disagree with a number of statements in a number of areas, including:

- Knowledge and Experience
  - Is up to date in his/her field of expertise
- Interpersonal Skills
  - Generally this person relates to people in an open, friendly and accepting manner. Shows and fosters respect and appreciation for people
  - Generally this person brings substantive conflicts and disagreements into the open and attempts to resolve them collaboratively
- Communication
  - Generally this person communicates in a calm and respectful manner with subordinates and peers
  - Generally this person is able to clarify complex concepts in terms appropriate to the audience
- Team Leadership
  - Generally this person fosters the development of a common vision; provides clear direction and priorities; clarifies roles and responsibilities
  - Generally this person treats co-workers, employees and customers in a respectful, considerate and professional manner



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- Decision Making
  - Generally this person makes sound and timely decisions
  - Generally this person achieves a climate of participation and team involvement in decision making
- Customer Service Excellence
  - Generally this person analyses client needs
  - Generally this person understands that quality customer service is the primary mission
- Commitment to Work
  - Generally this person delivers work/projects on time and on budget
  - Generally this person is honest
- Self Management Skills
  - Generally this person demonstrates principled leadership and sound business ethics
  - Generally this person spends more time solving problems than complaining about them

Human Resources reports that for leadership positions 360 reference checking is an option, but is not often used.

### **Candidate's Self-Assessment**

The Manager's Toolkit also identifies the candidate's self-assessment as another piece of valuable information for the manager to consider when hiring. It indicates that the self-assessment gives the candidate the opportunity to provide input on his or her evaluation.

Human Resources reports that self-assessments are not used in the hiring process.

### **Security Checks**

The Manager's Toolkit indicates that job postings should advise potential applicants that appointment is subject to a security check. At the time of the interview, the selection panel informs the candidate of the security requirements. Candidates are required to complete a self-disclosure form. It notes that a security check is appropriate for the following types of positions:

- All positions having contact with vulnerable persons
- Positions having contact with financial or sensitive materials
- Positions providing law or protective services such as fire and police.

The toolkit also notes that it is important that the privacy rights of the candidates be protected by minimizing the number of people who handle the confidential information obtained. It also

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notes that details of the security check are not to be placed in the competition file or in the employee's personnel file. Personnel files should only include confirmation that the security check was conducted.

The toolkit also notes that a criminal record is not, in itself, a barrier to hiring and identifies what is to happen if the candidate has a criminal record. It specifies that:

If a qualified candidate has a criminal record, the selection panel must weigh the nature, time and extent of the record to assess if the candidate is suitable relative to the selection criteria.

Human Resources reports that HRM has undertaken a comprehensive security clearance review of each HRM position to identify the security requirements for each position. Based on this review, most positions in MOPS do not require security clearance. When there is a security requirement, if an applicant answers "yes" to this question it would prompt Human Resources to ask for further job-related information.

### **Driver's Abstracts**

The Manager's Toolkit also indicates that for positions that involve the operation of HRM vehicles candidates are to be asked to present their Driver's Abstract during the selection process. The candidate's driving records are assessed to determine if they are acceptable. It notes that the selection panel should determine their criteria for an acceptable and an unacceptable abstract and apply this consistently to all candidates. It also notes that the presence of a driving infraction on an individual's abstract does not mean they cannot be hired to work with HRM.

### **Attendance Records**

The Manager's Toolkit notes that:

For internal/external candidates, it is vital that the selection process assess attendance records. An attendance record with an above average number of absent days does not necessarily mean a poor attendance record. There are a number of legitimate reasons to cause absences in the workplace such as accident, caring for a sick family member, etc.; ask the candidate to explain any extended or frequent absences from work.

## **Conclusions and Recommendations**

### **Reference Checks**

The *Reference Checks and Security Checks Policy* does not state the number of references that are to be checked before the hiring decision is made. In addition, the reference check questions do not include any question to assess a job candidate's ability to work effectively in a diverse workforce and with a diverse client population.



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**Recommendation 34:** It is recommended that the *Reference Checks and Security Checks Policy* specify the number of references to be checked for internal and external candidates.

**Recommendation 35:** It is recommended that the reference checks include a question to assess the job candidate's ability to work effectively in a diverse workforce and with a diverse client population.

### **360 Reference Checks**

While 360 reference checks are a best practice for hiring supervisory and management staff, it does not appear that this is used within HRM.

In addition, the 360 Reference Check form developed by HRM does not include diversity-related questions, such as asking about the candidate's ability to create an inclusive work environment, manage a diverse workforce, handle conflict, etc.

**Recommendation 36:** It is recommended that 360 Reference Checks be conducted when hiring for supervisory and leadership positions.

**Recommendation 37:** It is recommended that 360 Reference Checks include questions pertaining to the candidate's ability to manage a diverse work team and ability to understand and meet the needs of a diverse client population.

### **Organizational Fit and Personal Suitability**

While the *Selection Decisions Policy* indicates that suitability and fit can be further determined through the reference check process, guidance on how to do this is not included in the *Reference Checks and Security Checks Policy*. This is important to ensure that the hiring manager is focusing on the skills and abilities to do the job rather than personality traits or cultural norms.

**Recommendation 38:** It is recommended that managers be provided with information on, and support to, assess "suitability" and "fit" when conducting reference checks, in a way that does not violate the *Human Rights Act*.

### **Security Clearance**

HRM conducted a comprehensive security clearance review to ensure that job seekers are only asked about criminal convictions when it is a bona fide occupational requirement. However, the question continues to be asked of all job applicants through the online application system.

Asking about criminal convictions may deter applicants from the African Nova Scotian and the Aboriginal communities from applying to positions as they continue to be subject to racial

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profiling<sup>17</sup> and racism in the criminal justice system<sup>18</sup> that results in over-policing and criminal convictions for minor offenses (e.g. trespassing) and wrongful convictions. As such, asking about criminal convictions when it is not a bona fide occupational requirement creates a barrier for Black and Aboriginal job seekers.

**Recommendation 39:** It is recommended that job seekers only be asked about criminal convictions when it is a bona fide occupational requirement.

### Attendance Records

The *Reference Checks and Security Checks Policy* notes that for both internal and external candidates:

It is vital that the selection panel assess attendance records. An attendance record with an above average number of absent days does not necessarily mean a poor attendance record. There are a number of legitimate reasons to cause absences in the workplace such as accident, caring for a sick family member, etc.; ask the candidate to explain any extended or frequent absences from work.

While considering attendance might be an important consideration, managers should be cautioned that considering absences due to disability, or child and elder care responsibilities could violate the *Human Rights Act*. While the policy says the manager should "ask the candidate to explain any extended or frequent absences from work," it does not indicate how this information should be considered.

Further, while the policy states that the selection panel is to assess attendance records, Human Resources reports that attendance records for internal staff are not checked. Instead, attendance is discussed as part of the reference check process.

**Recommendation 40:** It is recommended that hiring managers be provided with guidance on how to ensure that consideration of an employee's attendance record in the hiring process does not violate the *Human Rights Act*.

**Recommendation 41:** It is recommended that Human Resources ensure that attendance records are checked as part of the selection process, as stated in the *Reference Checks and Security Checks Policy*.

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<sup>17</sup> See: Driving While Black. Canadian Human Rights Reporter. [http://www.cdn-hr-reporter.ca/hr\\_topics/systemic-discrimination/driving-while-black](http://www.cdn-hr-reporter.ca/hr_topics/systemic-discrimination/driving-while-black)

Halifax rallies for Ferguson after Mike Brown shooting. Halifax Examiner. August 20, 2014. <http://www.halifaxexaminer.ca/featured/halifax-rallies-for-ferguson-after-mike-brown-shooting/>

<sup>18</sup> See: Systemic Racism and Wrongful Convictions: Why must Aboriginal people suffer for our collective problem? <https://www.aidwyc.org/aboriginal-wrongful-convictions/>



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## 4.8 Making the hiring decision

The Manager's Toolkit describes how the selection panel is to make selection decisions in the hiring for non-unionized positions. It states:

The selection panel collates all the selection tool results for each candidate and determines the rank order of merit after balancing all factors related to all selection criteria and their relative weights.

The selection panel must also consider organizational fit and personal suitability in making their selection recommendation. It is important that the successful candidate will be able to work effectively with their co-workers and Supervisors. Suitability and fit can be further determined through the reference check process.

The *Selection Decisions Policy* also includes a reminder, which states, "Bad hiring decisions generate cost in turnover, low productivity, low morale, poor service to customers, lost business, replacements, litigation / arbitration, compensation, training, etc."

The Manager's Toolkit also includes a reminder for those involved in the hiring process:

We want the best person who is suited to the position; one who has the technical skills along with the key behavioural characteristics that would be the best fit for our organization.

All recommendations for a leadership hire must be approved by the CAO. As noted in a July 20, 2012, memo to the Leadership Group and HR Client Services Team from the Manager, HR Client Services:

Our CAO is focussed on ensuring HRM has leaders who are able to meet succession and talent management needs now and into the future. As such, he has taken a keen interest in making sure that Managers, SMT and EMT are working together towards developing a leadership talent pool. Effective immediately, all leadership hires will require CAO approval prior to a job offer being made. The attached form must be completed for all leadership positions.

In the focus groups, employees raised concerns about competitions being cancelled after interviews were conducted. This was of concern to many employees with whom we spoke, with many perceiving it to be a manipulation of the hiring process to ensure that the preferred candidate is successful. As one person commented:

*They cancel the competition and repost to ensure that they get the person they want for the job.*

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For internal hiring into unionized positions, the Collective Agreement requires that the successful candidate is the senior qualified employee. A review of the competition files found that the senior qualified employee is consistently hired.

## **Conclusions and Recommendations**

### **Employment Equity**

While the Manager's Toolkit provides good guidance on making the hiring decision, it does not include diversity or Employment Equity as a consideration.

The *Employment Equity Policy* states that "qualified members of the designated communities are encouraged to self-identify in their employment application in order to be recognized as an applicant from an Employment Equity group." The online application form allows applicants to self-identify as part of the application process. Human Resources reports that this information may be used to hire from one of the designated communities and that business units are encouraged to consider diversity hires when discussing their needs with their HR Consultant. Human Resources also reports that the self-identification information is also collected for statistical purposes. However, in discussions with supervisors for this review, they expressed conflicting perspectives on whether and how this information was actually considered in the hiring process.

The review of the competition files indicates that the hiring decisions are based on the candidate's responses to the interview questions and testing. The final scores are totalled and the candidates are ranked.

Human Resources reports that where two candidates have close scores, e.g. are relatively equal, options are discussed with the hiring manager such as diversity, or conducting a second interview or assessment of the top scoring candidates. Our review of the competition files does not indicate that any consideration of Employment Equity is made in the hiring and selection process and that the top scoring candidate was selected regardless of the difference in scores, e.g. 64 versus 63.

The research indicates that despite our best efforts at scoring job candidates objectively, some subjectivity always enters the process. Studies show that men are deemed to be more qualified than women, despite giving the same responses to interview questions. The same is true for White candidates over Black candidates. Further, even slight differences in scoring could result in women and Black candidates being scored lower by the interview panel. As such, interview panels made up solely of White interviewers, who are mainly men, could create barriers to fairly assessing job candidates from diverse communities, backgrounds and identities. As such, many organizations who are committed to Employment Equity and diversifying the workforce will select the successful candidate from among the job candidates deemed to be qualified for



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the position, e.g. those who score more than 70%, and will consider diversity when making that hiring decision.

**Recommendation 42:** It is recommended that Human Resources, in cooperation with the Diversity and Inclusion Office, provide guidance to managers on how to make hiring decisions that support the organization's commitment to Employment Equity and diversifying the workforce.

### **Fit**

The Manager's Toolkit mentions that HRM wants to hire the best person for the position, that would be "the best fit" for the organization, yet it does not define "fit" or provide guidance to managers to ensure that they do not take into account factors not related to the candidate's ability to perform the duties of the job such as personality or cultural background.

**Recommendation 43:** It is recommended that the Manager's Toolkit provide guidance to managers to ensure that they are assessing candidates based on their qualifications, skills and abilities to do the job, and not personality, or cultural background.

**Recommendation 44:** It is recommended that all those involved in the hiring process be provided with training to help them understand unconscious bias, how it impacts the hiring process, and how they can minimize the impact of their biases in the hiring process.

### **Hiring into Leadership Positions**

This ESR raises concerns about anyone who has not taken part in the hiring process overriding or influencing the interview panel's hiring decision. This practice is not consistent with a bias-free hiring process and undermines employees' confidence in the hiring process.

**Recommendation 45:** It is recommended that the hiring decision for all positions, including leadership positions, be transparent and that a record of decisions remain in the competition file.

## **4.9 Competition files**

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

For the most part, the competition files we reviewed were very well organized. Human Resources uses a checklist to support the maintenance of competition files. The checklist identifies that the competition file is to include the following:

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- Job description
- Staffing Action Form / approvals to hire
- Job posting
- Screening questionnaire
- Applicant lists
- Screening grid to demonstrate criteria used to screen applicants and develop a short-list
- Applications (resumes / cover letters) received for those who were short-listed
- Testing and related assessments for those who were short-listed
- List of selection panel members
- Interview questionnaires / guides for each panel member
- Scoring summary sheet for the interview process
- Completed reference checks, including at least two supervisory references
- Verification of post-secondary education credentials for positions that require post-secondary education; copy of licenses and/or designations for positions that require licenses and/or designations
- Confirmation of security clearances being completed
- Non-union salary rating from Total Compensation (for non-union positions)
- Copy of signed offer letter
- Correspondence related to the competition, providing rationale for decisions, such as when offers are declined or candidates withdraw from the process.

However, there are some cases in which not all files were complete. We found that some files did not include:

- Completed reference checks
- Verification of post-secondary education credentials
- Confirmation of security clearances
- Copy of signed offer letter.



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**Recommendation 46:** It is recommended that Human Resources communicate with those involved in the hiring process the need to maintain complete competition files and follow up to ensure that all files are complete.

#### **4.10 Debrief**

Human Resources reports that internal candidates can request a debrief session or assistance with interview preparation. Some employees indicate that they have asked for and received a debrief session to discuss why they were not the successful candidate, and what more they could do to prepare themselves for success in a future competition. However, some indicated that they were not happy with the debrief as it did not provide them with what they see as a valid explanation about why they didn't get the position and no suggestions were made about how they could improve or better prepare themselves for further opportunities.

#### **Conclusions and Recommendations**

While it is unclear the extent to which constructive feedback is provided to unsuccessful candidates, providing constructive feedback to those who request it would help increase confidence in the hiring process and support employees' success in subsequent competitions.

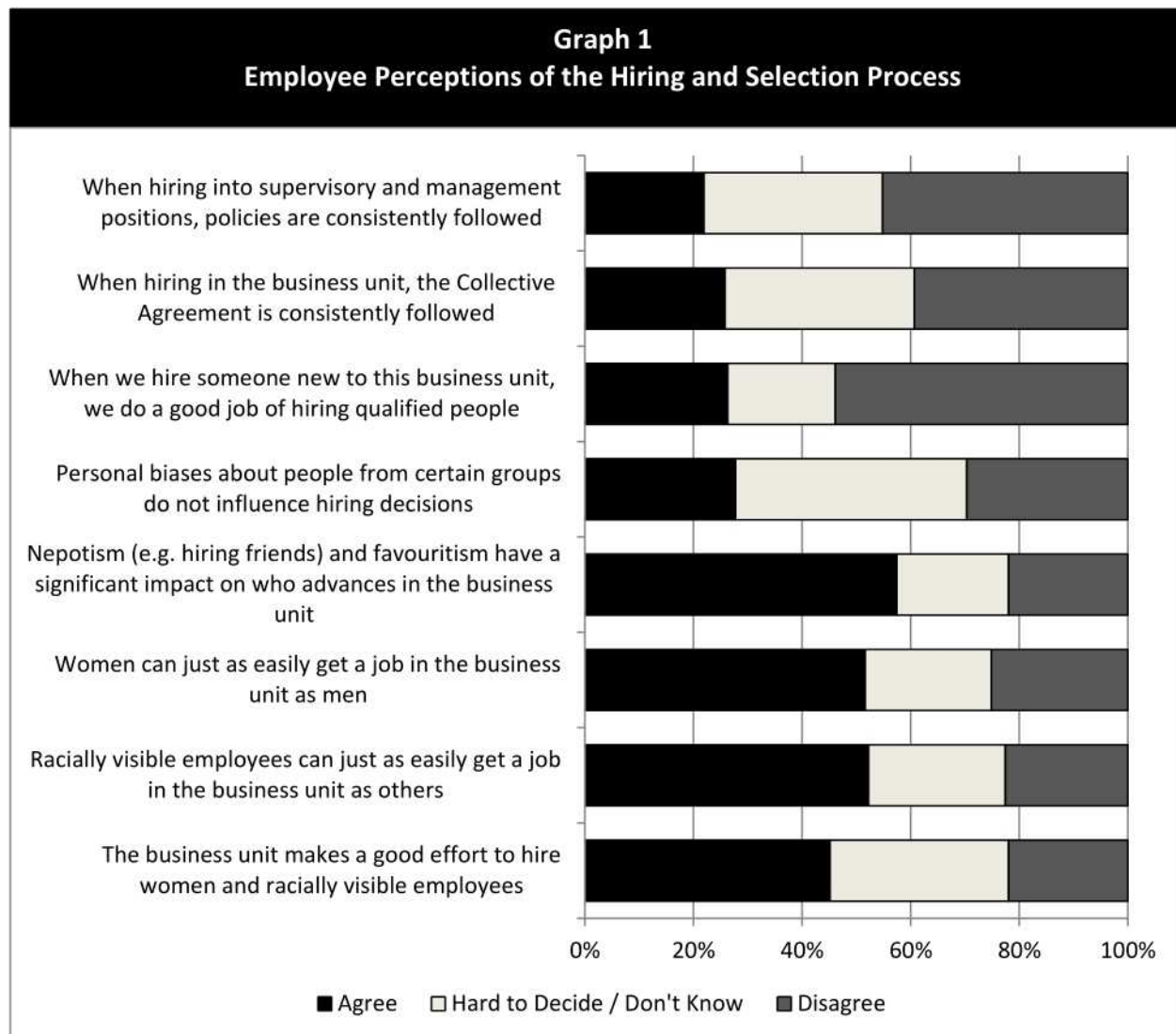
**Recommendation 47:** It is recommended that hiring managers and/or Human Resources staff be provided with guidance on how to appropriately conduct a debrief session for employees who are not successful in a job competition, and that employees be informed that they have the right to ask for and receive a debrief session after a competition.

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#### 4.11 Perceptions of the hiring and selection process

##### Findings

In both the focus groups and online survey, employees were asked about their perceptions of the hiring and selection process. The results from the employee survey, as shown in Graph 1, indicate that survey respondents lack confidence in the hiring and selection process.



As Graph 1 shows, only 22% of employees who responded to the survey agree that the organization's policies are consistently followed when MOPS hires into supervisory and management positions. In contrast, 33% found it hard to decide or didn't know, and 45% disagreed with this statement. In addition, only 26% agreed that the Collective Agreement is consistently followed when hiring into unionized positions (35% found it hard to decide or didn't know and 39% disagreed).



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When asked whether the organization does a good job of hiring qualified people into the business unit, only 26% agreed.

These results reflect the underlying distrust of Human Resources that employees expressed during the focus groups and interviews. Some shared very harsh criticism of the hiring process, much of which is directed at Human Resources:

*They are not transparent, they do not follow best practices, they are discriminatory to internal applicants. Almost all employers value internal applicants in the hiring process—most prefer internal over external applicants but HRM prefers external over internal—not best practice and an insult to internal applicants. HRM has many educated experienced and qualified internal applicants who are passed up for advancement for external applicants. There is no weight placed on internal qualities such as experience, qualifications, etc. HRM has very poor hiring practices.*

*It is not HR, its MR—Management Resources. They don't work for us, they work for management.*

*Human Resources should be the representative of all people. Here, HR has an ivory tower mentality. They don't know the workplace. Sometimes they know, but they are too intimidated to deal with the problem.*

Some point to specific instances of competitions being cancelled and then reposted, a temporary job turning into a permanent job, or the quick advancement of some employees in the organization as evidence of a lack of integrity in the hiring and selection process. When asked about some specific decisions, Human Resources provided what appear to be legitimate business reasons unrelated to the individuals involved, which are allowed for in HR policies. However, without this specific information, mistrust along with the rumour-mill influences employees' perceptions of the reasons for these decisions.

Further, only 26% of survey respondents agreed that HRM does a good job of hiring qualified people when hiring new employees. Employees shared various concerns about the hiring process and the organization's ability to hire qualified staff who have the skills and abilities needed to be effective in the job:

*They should do a personal background check into whether they can work with others and be a team player.*

*It makes our job really hard when they hire people that are not familiar with the work and not able to learn the work. We are not babysitters!*

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*HR screens applicants and gives me three people to interview. I sometimes ask myself, 'Are these the best out there?'*

*Why are they hiring labourers who aren't physically able to do the job?*

Survey respondents were split on whether personal biases about people from certain groups influence hiring decisions—27% agreed that personal biases do not influence hiring decisions, while 29% believe that they do. The largest proportion (43%) found it hard to decide or did not know.

The survey also asked respondents about their perceptions of the impact of nepotism and favouritism on one's ability to advance within the business unit. Fifty-seven percent agreed that nepotism and favouritism have a significant impact on who advances. Some expressed their perception throughout the survey or in the focus groups that nepotism and favouritism is a major issue not just in MOPS but throughout HRM, which affects not only who is hired, but how they are treated, who advances and how fast. As was noted on the survey:

*Stop hiring friends and family. Please. And stop them from bullying people and trying to make a name for themselves.*

*Nepotism and favouritism are alive and well at HRM.*

*Stop workplace favouritism.*

*Too much nepotism city-wide.*

*You hit the nail on the head when you asked about nepotism. Runs rampant.*

*Collective Agreements mitigate some of the problems but nepotism and previously mentioned problems are ruining management and the ability to manage.*

*The majority of the students hired are relatives of management, HR staff, or other HRM staff. This has been the case for as long as I have worked in Parks and with students.*

Further, some employees indicate that favouritism has an impact on the distribution of work and day-to-day working relationships. From their perspective some employees are given lighter duties or "the sweet jobs." The favoured employees are also seen as not being at fault when there is conflict or a disagreement between employees. From their perspective, favouritism puts some employees at an advantage and disadvantages other employees. As one employee notes:

*I come to work everyday with a good attitude and good work ethic. My accomplishments have been overlooked and only appreciated by residents and other staff. I do not need*



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*attention and acknowledgements, but the accolades others get for their accomplishments demonstrates the unfair and disrespectful treatment some staff receive.*

This unequal treatment of employees also creates conflict and division between co-workers when favouritism is evident in how employees are treated. As one employee noted:

*When I am praised for my work I feel guilty. I can't enjoy the appreciation because of how my colleagues are treated. It is a toxic work environment and I know it could just as easily change for me.*

The Human Resources Department was asked about the impact of nepotism on hiring decisions. HR staff note that much work has been done to ensure a bias-free hiring process that focuses on assessing candidate's skills and abilities and as such, they are unaware of any nepotism in the hiring process.

The supervisors interviewed for this review echoed this sentiment. They also note that the structuring of the process, with the initial review of resumes being conducted by HR staff, the use of an interview panel, and structured interview questions means that employees are not being hired based on who they know. So, while employees hired may have personal connections within the organization, they are being hired in spite of, not because of, those connections.

Employees were also asked about whether women and racially visible employees can just as easily get a job in the business unit as others. About half (52%) agreed that women and racially visible employees can just as easily get a job in the business unit as others. Again, some employees note that in a predominately White and predominately male business unit, women and racially visible employees are at a disadvantage in the hiring process as they are not seen as capable to be successful in these jobs as are their White male counterparts.

Some survey respondents, both Black and White as well as male and female, suggested that more should be done to hire more women and racially visible employees:

*There should be more colored people added to HRM when hiring.*

*My department [horticulture] hires a large percentage of women, but it would be nice to see more women in similar labourer roles.*

*Why don't we see any Blacks in horticulture?*

*Women tend to be hired for the parks and not the other departments.*

*There are no Black supervisors.*

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*HRM should hire more racially visible employees and supervisors and women!!*

Of note is the few racially visible women working in the business unit. Some note that while many women are employed in horticulture, none are racially visible women. Further, some staff, both Black and White, questioned whether African Nova Scotian women were given more physically demanding jobs than their White counterparts.

While some shared their perception of biased hiring, some employees expressed their belief that the process is fair, and that any under-representation experienced by women and racially visible employees reflects a lack of interest in the jobs in the business unit or a lack of qualifications for these positions:

*If visible minorities have all the qualifications for positions they are applying for they would have just as equal opportunities to get the job or position they want. They have to work for it and not expect it to be given to them which racially visible employees expect things should be handed to them (not all).*

Less than a half of respondents (45%) agreed that the business unit makes a good effort to hire women and racially visible employees. While some employees with whom we spoke suggested that racially visible employees are well-represented within the business unit, others thought that more could be done to increase the representation of racially visible employees and Aboriginal peoples, particularly at the supervisory and management levels. Many agreed that women were under-represented within the business unit, while some thought it was more a matter of personal preference (i.e. women aren't interested in these jobs) rather than any barriers to women being hired.

## **Conclusions and Recommendations**

Many employees with whom we spoke and who completed the survey expressed a lack of confidence in the hiring process. Biases against women and racially visible employees as well as nepotism and favouritism appear to be a concern for employees from all groups. It is beyond the scope of this review to determine whether nepotism actually exists or the extent to which it impacts hiring decisions within MOPS. So whether or not these perceptions are accurate, it is clear that there is a distrust of the hiring process and that more needs to be done to not only ensure a bias-free hiring process, but ensure that employees have confidence in the hiring process, feel that it is bias-free, and feel that they are fairly assessed when they do participate in the process.

A lack of confidence in the hiring process creates barriers when employee perceptions inhibit them from applying to positions for which they are interested and qualified. As such, it is important to address the perceptions that employees have and increase their confidence in a fair and bias-free hiring process.



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In addition, while Human Resources has established a bias-free hiring process and appears to be committed to ensuring that all candidates are fairly assessed and hiring decisions are made on the candidates' skills and abilities to do the job, that does not mean that some managers are making their decisions based on other factors or that they are not influencing the hiring decision.

HRM can help to address this mistrust by implementing the recommendations made throughout this report and continuing its efforts to strengthen the hiring process. In addition, consistent communication on the implementation of these recommendations is important to creating confidence that the issues raised will be addressed. It is also needed to change organizational culture and demonstrate to employees that HRM is committed to making change.

**Recommendation 48:** It is recommended that HRM regularly communicate with MOPS employees about the hiring process, including any changes to the process, to strengthen their confidence that HRM has a fair and bias-free process that supports the equitable assessment of candidates from all communities, backgrounds and identities.

## 5. Training and Development

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Training includes formal courses as well as opportunities for on-the-job learning that help employees develop the skills needed to be successful in their current position. Development includes formal training and temporary assignments in other positions that help the employee develop the skills and knowledge to move laterally and advance in the organization.

Limited access to training and development opportunities and to temporary assignments can be a barrier to advancement for employees from the under-represented groups. In many organizations, access to developmental opportunities plays a powerful gate-keeping function and limits the ability of employees from the under-represented communities to advance into senior positions within the organization.

### Findings

#### Access to Learning Opportunities

The objectives of HRM's *Learning and Development Policy* is to:

develop a highly qualified and motivated workforce that can respond to evolving organizational needs and achieve HRM's corporate goals.

The policy notes that employee learning and development needs can be met in several ways including cross training, coaching/mentoring, internships/apprenticeships, and on-the-job training. It also identifies a number of principles and considerations for supervisors and managers:

- Provide fair and equitable opportunities for learning to all eligible employees
- Ensure a commitment to training that is respectful and inclusive of diversity
- Use existing training facilities whenever possible and/or provide an appropriate learning environment for all training.

Human Resources reports that the Collective Agreement indicates that job specific training is seniority based with the exception of operational requirements. As per the CUPE Collective Agreement, training opportunities are posted for one week for employees to sign up. The sign-up sheets are then provided to the Training Committee which is a joint sub-committee of Labour Management with Union and Management representatives. The Chair and Co-Chair (representing both union and management) discuss the training opportunities and the list of names that has been provided. Depending upon operational requirements, all employees may be selected to participate in the training opportunity or a portion of those employees. For example, if the training is for First Aid and a supervisor indicates they have no one on the crew currently trained in First Aid, there would be an operational requirement to have one of those employees trained. This operational requirement would be viewed as a priority over a crew of



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employees who all have the training but indicated they wish to participate in another training course.

Where no operational requirement exists for employees to participate in a training course, the employees would be assigned in order of seniority until the maximum number of participants has been reached. The expression of interest would then expire and employees would sign-up for new opportunities as they become available.

Despite this process, concerns were raised that the process is manipulated by supervisors to keep African Nova Scotian employees from participating in certain training, thereby limiting their ability to advance into supervisory positions. African Nova Scotian employees indicated that while access to some training, such as Crew Chief training is based on seniority, notices about these training opportunities are not always posted. As such they may not even know about upcoming opportunities and therefore do not have the opportunity to add their name to the sign-up sheet. They also cited instances in which White employees with lesser seniority were provided with training opportunities over more senior Black employees who had expressed an interest.

White employees also expressed concern that all employees do not have equal access to training opportunities and cited favouritism as an influencing factor. They note that access to training is at the discretion of the supervisor and some expressed concern that biases affect which employees are able to access this training.

In addition, while Human Resources makes training opportunities available to employees through the training calendar, the consultations indicated that all employees are not aware of the training calendar and these opportunities.

#### **Request for Education Reimbursement Policy**

The *Request for Education Reimbursement Policy* support HRM's investment in the development of its workforce. The policy notes that HRM may at its sole discretion, reimburse tuition fees subject to available funds, up to 50% of tuition fees for approved programs, to a maximum of \$2500 CAD per employee per fiscal year.

The policy allows HRM, at its sole discretion, to reimburse tuition fees subject to available funds under certain conditions, including:

The employee has been able to demonstrate their educational development has the potential to support HRM in its ability to provide a strong and efficient public service.

Human Resources reports that two employees have requested tuition reimbursement in the past year and both were approved. Employees who had participated in the program suggest that although their education has been partially funded by HRM, the organization does not capitalize on this investment, because of its preference to hire external candidates.

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### **Leadership Development Training**

Both employees and supervisors indicate that that training to support the advancement of unionized employees into supervisory positions is available. However, there is disagreement on whether all interested employees are able to access this training.

Some supervisors indicate that while access to this training is determined by seniority, all interested employees are able to express an interest in and have access to the training. Employees indicate that access to this training has to be approved by the supervisor and is subject to operational considerations. Because it is at the discretion of the supervisor, African Nova Scotian employees do not feel that they have the same access as White employees. As such, they feel that limited access to leadership development training impacts their ability to advance in the organization.

Some supervisors with whom we spoke indicated that some supervisors are less inclined to approve leadership development training as it impacts the productivity of their team. Others suggest that they are more supportive of employees taking this training and support and encourage staff to do so. None indicated that decisions to send employees on training were impacted by the employee's race or gender.

Further, some supervisors indicate that they identify who has leadership potential and will approach that person to encourage them to take training:

*As supervisors we know our staff, we see the natural leaders. We would make recommendations for that person to take training.*

The employees with whom we spoke indicated that HRM could do more to invest in employees and support their learning, development and advancement, rather than focus on hiring external candidates for supervisory positions.

### **Temporary Assignments**

In the winter, many employees are assigned to temporary Winter Works positions. As such, temporary Winter Works supervisors are hired to supervise the work teams. The African Nova Scotian employees who participated in the focus group indicated that Black employees apply but are rarely hired into these temporary supervisory positions.

African Nova Scotians point to the use of these temporary supervisory positions as Developmental Opportunities in 2013 as evidence of their limited access to positions that would support their advancement within the organization. While two were identified to be filled by women and racially visible employees, in the end, one was filled by a woman and the other by a White man.

This Developmental Opportunity required applicants to have one year of supervisory experience. As such, applicants needed to have supervisory experience in order to secure a



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developmental supervisory position. But if supervisors serve as gatekeepers to Crew Chief training, there may be biases to who has access to this training and, ultimately, who has access to Crew Chief positions. As such, the advancement of African Nova Scotians is limited by a cycle of personal and systemic biases.

### **Career Planning**

The *Career Planning Procedure* indicates that while career planning is primarily the responsibility of each individual employee, it is "supported by HRM through a variety of related practices designed to assist individuals to take charge of their career development and work toward individual goals." It notes that career planning is supported and enhanced by:

an active Performance Development Process (PDP), succession planning initiatives, opportunities for training, both in-house and external, as well as provisions to support ongoing education through cost-sharing and educational leave. In addition, HRM actively promotes development through work assignments and project teams.

### **Performance Development Process (My Action Plan - MAP)**

The Performance Development Process is an ongoing process which is focused on identifying and providing feedback to an employee to assist in the achievement of success in performance and personal development. The process is supported by the My Action Plan Guidebook and Employee Toolkit as well as the My Action Plan Supervisor Toolkit. The process begins with the planning phase, in which both employees and supervisors prepare for the Objective-Setting meeting. At the meeting, they create MAP by adding objectives to the Work Objectives and Learning Objectives sections of the form. At this time, they select competencies that align with the work and/or learning objectives identified and discuss possible ways to build the relevant skills. Once MAP is created, it is monitored throughout the year to ensure progress is being made on the objectives outlined in the plan. At the end of the year, the employee and supervisor meet to discuss performance based on the MAP objectives.

### **Employee Performance / Coaching / Corrective Action**

This policy addresses the need for supervisors to address unsatisfactory conduct or performance and includes action ranging from counselling to verbal or written warnings, suspension and up to and including dismissal.

### **Mentoring**

Some supervisors suggest that racially visible employees have a disadvantage in the workplace because they don't get the informal mentoring from their supervisor that their White colleagues do. As such, formal mentoring programs would help address the under-representation of racially visible employees in supervisory positions. Some employees with whom we spoke highlighted the importance of mentoring to advancement within MOPS and the need to ensuring that African Nova Scotians have access to this mentoring:

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*Mentoring programs are sorely needed. Willing African Nova Scotians need to be nurtured and supported into a ready state to transfer to management.*

## **Conclusions and Recommendations**

Access to training and development is critical to the advancement of employees within this business unit. It is of particular importance given that there are currently no African Nova Scotians in supervisory or management positions. As such, it is important that employees be provided with the opportunity to express an interest in training and that employees have fair access to training and developmental opportunities.

**Recommendation 49:** It is recommended that MOPS ensure that training opportunities are communicated to all employees, including technical training and corporate training courses, to ensure all employees know about and are able to express and interest in participating in these opportunities.

**Recommendation 50:** It is recommended that MOPS report annually on the number and demographic composition of employees who have taken training and which training opportunities they have taken, e.g. technical training and corporate training courses, to assess the extent to which there is equitable access to these training opportunities.

**Recommendation 51:** It is recommended that Human Resources work with the Diversity and Inclusion Office to develop a leadership development program for African Nova Scotians to ensure that they have the training, knowledge, and skills needed to be successful in supervisory positions.



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## 6. Advancement

Research studies consistently show that certain groups, including women, racially visible persons and Aboriginal peoples remain concentrated in lower level positions within organizations despite their skills, abilities and level of education. These studies confirm that upward mobility continues to be a problem even in organizations in which these groups are well-represented.

It is important to note that the issues that affect the upward mobility of employees from the under-represented groups overlap with many of the issues discussed in the other sections of this report. These include barriers in the selection process and access to training and development which are addressed in the earlier sections of this report.

### 6.1 Representation in supervisory and management positions

#### Findings

Because of poor response rates for the 2013 Employment Equity Survey, we are unable to assess the representation of persons with disabilities, racially visible employees, and Aboriginal employees within the workforce. However, because gender is collected through the payroll system, we are able to conduct an analysis by gender.

The positions within MOPS are traditionally male-dominated occupations. As Table 4 shows, there are 229 permanent employees within MOPS, of which 4% (14) are women.

Table 4 PERMANENT EMPLOYEES August 31, 2015	Women		Men		Total
	#	%	#	%	#
Directors	0	--	1	100%	1
Managers	0	--	1	100%	1
Supervisors	4	10%	36	90%	40
Unionized Employees	10	6%	183	94%	183
<b>TOTAL</b>	<b>14</b>	<b>4%</b>	<b>219</b>	<b>96%</b>	<b>229</b>

Employees with whom we spoke agreed that there are currently no African Nova Scotian or Aboriginal supervisors within the business unit. Employees agree that there have only ever been two racially visible supervisors in MOPS, and no racially visible staff has advanced higher than supervisor.

The data suggests that even though women represent a smaller percentage of the permanent unionized workforce (6%), they have a better chance of advancing into supervisory positions than do racially visible employees, who are estimated to make up close to 10% of permanent employees in MOPS.

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## 6.2 Perceptions of opportunities for advancement

### Findings

The perception of the majority of African Nova Scotians and some White employees with whom we spoke is that the opportunities for advancement for Black employees are limited not by their skills, abilities or interest in advancement. In their view, the opportunities for advancement for Black employees are limited by the "old boy's club," which is influenced by race and racism, that provides the opportunities and supports to White men to advance. Little support is given to African Nova Scotians to advance. The lack of African Nova Scotians in leadership positions then reinforces negative attitudes that some may have about their ability to be effective supervisors and to advance within the business unit.

There were also those who think that all employees have equal access to developmental opportunities and to supervisory opportunities. For them, the lack of representation of African Nova Scotians in supervisory and management positions indicates that they lack the desire, skills or abilities needed for advancement.

Some supervisors, while expressing their belief in a fair process, shared that they weren't able to advance within the organization until they expressed an interest in advancement to their manager, who then supported their advancement. So while they talked about a fair and equitable process, their experience indicates that the process is not always fair and informal networking was needed to support their advancement within the organization.

In addition, a concern for many employees is the perception that HRM now has a preference for hiring supervisors from outside the organization rather than internally. From their perspective, there is an unstated policy to hire from outside the organization:

*When hiring the last 3 supervisors for this unit, all 3 were hired from outside. It would seem from this practice that there is no room to advance within this business unit for an employee wishing to do so.*

As such, many employees feel that the limited opportunities that previously existed have been eliminated by the organization's desire to fill supervisory positions with someone from outside the organization. In addition, many employees feel that the preference to hire supervisors from outside the organization means that they won't be given a fair chance in the selection process, and may therefore not apply for advancement in the future.

For many, the organization's preference for hiring supervisors from outside the organization ties into a change in organizational culture which they feel has occurred over the past few years. The perception is that the organization prefers supervisors who have limited understanding of the work, limited connection to the employees, and who will implement the decisions of management without question. As one employee noted:



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*They don't want the best person for the job. They want the "yes man." Supervisors are told what to think. They are not allowed to have their own opinion. That's why I don't apply for supervisory positions.*

As noted earlier in this report, survey respondents were asked about their perceptions of the impact of nepotism and favouritism on one's ability to advance within the business unit. Fifty-seven percent agreed that nepotism and favouritism have a significant impact on who advances. In the interviews and focus groups with employees from various background, many suggested that advancement within the organization is also influenced by personal relationships, i.e. it's who you know not what you know.

In addition, given the organization's history of hiring into supervisory and management positions, many of the African Nova Scotian employees with whom we spoke suggest that there is a deliberate attempt to keep Black employees out of supervisory positions, as such many chose not to apply to these job openings. As one person said:

*You can have the right skills and have a great interview, but they want who they want in those positions. So why even apply.*

### **6.3 Succession planning**

#### **Findings**

The *Succession Planning Practice* notes that:

HRM continues to work towards a more formal succession planning model to contribute to ensuring that the organization has a pool of talented and highly qualified candidates developed internally to meet the needs of the organization. It is a plan to develop, implement and maintain a clear and fair process throughout the organization that anticipates changes within and supports the development of individuals to address future leadership vacancies.

Succession Planning has various components including systems to track and make projections on future retirement trends based on a demographic profile of each business unit; tracking of key positions to ensure that the competencies required are understood and documented as jobs evolve; systems to identify and create learning opportunities to support related competencies; career planning tools and performance feedback and development systems for individuals.

Human Resources reports that while there is a written *Succession Planning Practice* there is no succession plan in place for MOPS at the current time.

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## 6.4 Mentorship program

### Findings

HRM has a *Mentorship Program* that is open to all employees who are interested in professional development and/or advancing their career. It matches protégés with an appropriate mentor for a program that lasts 8 months.

The program provides a framework for employees to benefit professionally from the wisdom, experience and expertise of someone other than their manager or supervisor.

Human Resources reports that the mentorship program does not collect data on participants by gender or race.

### Conclusions and Recommendations

The perception of both Black and White employees that barriers exist to the advancement of Black employees within MOPS is validated by the fact that in a male-dominated business unit, White women are well represented in supervisory positions (compared with their representation among unionized employees), while there are no Black supervisors.

Seeing Blacks in certain positions and not in supervisory positions reinforces negative stereotypes that they don't have the ambition or are not qualified for these positions. This could perpetuate unconscious biases and barriers to advancement.

Further, while not everyone has the skills or desire to be promoted, barriers are formed when qualified employees with the desire to be promoted choose not to apply for advancement because they perceive the goal to be unattainable or the process to be biased. Further, qualified and interested employees may not apply for supervisory positions as they may feel that their success will not be supported, that they will have to continually prove themselves, and that they may face even greater resistance or discrimination should they move up in the organization.

**Recommendation 52:** It is recommended that HRM develop a strategy to remove the apparent barriers to African Nova Scotian employees advancing within the organization and increase their representation in supervisory and management positions. This strategy might include a mentoring program, increasing access to training and temporary opportunities, ensuring that a certain proportion of those interviewed for supervisory positions are racially visible employees, bias awareness training for those conducting these interviews, and a leadership development program for African Nova Scotians.

**Recommendation 53:** It is recommended that development of succession plans or mentorship programs in MOPS be done through and equity and diversity lens to ensure no barriers to



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participation for the under-represented groups and that these programs be used to support the advancement of under-represented groups within the business unit.

## 7. Working Conditions

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In this section, aspects of the workplace that make employees feel welcomed and valued and allow them to fully contribute to the organization are examined. This includes a variety of aspects of the workplace, including work environment, harassment and discrimination prevention efforts, and accommodation.

The Canadian Human Rights Commission has identified the examination of attitudes and behaviours within an organization as a key component of an Employment Systems Review. The Commission notes that, without this analysis, significant barriers may be missed by the organization particularly when negative attitudes, stereotypes and corporate culture play an important role in staffing.<sup>19</sup>

While an unwelcoming work environment negatively affects employees from diverse communities, backgrounds and identities, it can also have a number of implications for other employees and the organization as a whole. Unhealthy workplaces have been linked to high absenteeism, high turnover, high legal costs and many hours of staff time needed to deal with a host of employee issues. Studies have also found that employees who work in workplaces that are not welcoming and inclusive are more likely to leave to take other jobs, take extended leaves of absence and retire early.<sup>20</sup> Unhealthy workplaces also negatively affect employees' mental and physical health.

Being seen as an unwelcoming employer within diverse communities could also make it extremely challenging to create a more diverse workforce and to hire top talent from an increasingly diverse labour market. Alternatively, being seen as an organization that welcomes diversity has become increasingly important as employees from the baby boom generation begin to retire in larger numbers and there is increased competition among employers for recruits from a more diverse population and from younger generations which are much more comfortable with and welcoming of diversity.

### 7.1 Accommodation

Under the Nova Scotia *Human Rights Act*, organizations are required to provide accommodation to current and prospective employees, short of undue hardship. While accommodation is to be provided based on any enumerated ground, it is most frequently requested on the basis of disability, religion, family status, sex (related to pregnancy), age (related to disability), and gender identity.

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<sup>19</sup> Employment Systems Review: Guide to the Audit Process. Canadian Human Rights Commission. December 2002.

<sup>20</sup> See *Summary Report on Engagement Sessions for a Racism-Free Workplace*. John Samuels and Associates for Labour Program, Human Resources and Social Development Canada. March 2006. See also *A Business Case For Diversity*. Dr. Jeffrey Gandz. Updated Fall 2001.



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

Organizations that provide accommodation to employees create a work environment that is flexible in how and when work is completed, which then allows all employees to fully engage in the work environment.

## **Findings**

### **Accommodation Policy**

HRM does not have an accommodation policy or procedures to help ensure that organizations meet their duty to deal fairly, thoroughly and effectively with requests for accommodation.

### **Collective Agreement**

The Collective Agreement includes a Memorandum of Understanding with respect to accommodating persons with disabilities. It includes procedures for evaluating and accommodating employees with disabilities, the rights and responsibilities of the employee seeking accommodation, as well as rights and responsibilities of the employer and the union.

### **Substance Abuse**

The *Substance Abuse Prevention Policy* notes that, "HRM supports prevention and rehabilitation initiatives for those employees who identify a need." As such, it notes that:

No employee with alcohol or drug dependency will be disciplined for voluntarily requesting help in overcoming the dependency. Further, employees can access confidential assessment services including counselling, referral and aftercare through a variety of assistance programs. If a medical work modification is recommended, HRM may assign the employee to alternative duties if available and appropriate. Employees are encouraged to contact Workplace Health Services for assistance.

### **Scent Neutral Workplace Initiative**

The *Scent Neutral Workplace Initiative* commits the organization to the provision of a healthy and safe work environment for all employees and visitors. It recognizes the potential health concerns of individuals who experience environmental sensitivities. It encourages all employees to choose personal care products that are low-scent when in the workplace and to use low-scent or non-scent cleaning products.

## **7.2 Accommodation of family responsibilities**

Employers have a duty to accommodate employees with family care responsibilities. Under the Nova Scotia *Human Rights Act*, family status means the status of being in a parent-child

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relationship. Accommodation of family responsibilities would therefore include accommodating the need to care for children as well as parents.

## Findings

### Policies

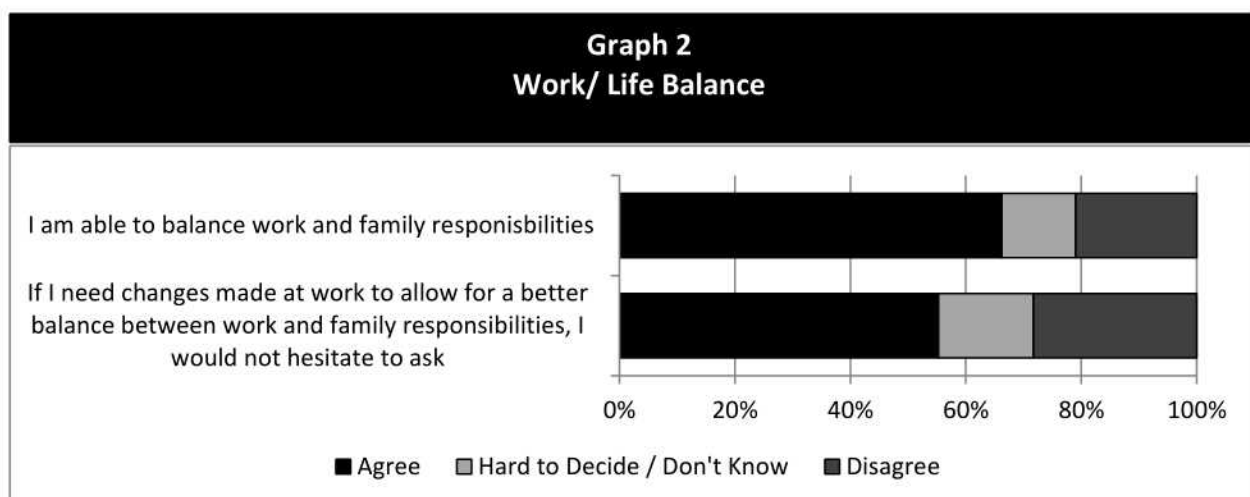
HRM has a number of well-written policies that support employees to address family responsibilities, including:

- Compassionate Care Unpaid Leave
- Discretionary Leave (Leave of Absence)
- Emergency Leave
- Pregnancy, Parental and Adoption Leave
- Bereavement Leave
- Flexible Work Arrangements
- Guidelines for Supporting Breastfeeding in the Workplace.

HRM also has an Employee Assistance Program that offers confidential counselling, coaching, information, and support for various issues including, mental health, career, life balance, health management, and achieving greater personal well-being.

### Perceptions of Work/Life Balance

The survey administered for this review asked employees about their ability to balance work and life responsibilities. As Graph 2 shows, 66% of respondents agreed that the organization allows them to balance work and family responsibilities. Twenty-one percent did not feel that the organization allows them to balance work and family responsibilities, while 13% found it hard to decide or did not know.





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Employees were also asked whether they would hesitate to ask for accommodation to better balance their work and family responsibilities. Fifty-five percent of respondents indicated that they would not hesitate to ask for accommodation, while 28% indicated that they would hesitate to ask.

Through the survey, employees expressed varying opinions about their ability to balance their work and family responsibilities. Seasonal employees expressed the most concern, as some shared that they have been told by their supervisor not to even request time off:

*I don't get any other days off and cannot ask for a day off.*

*Seasonal employees have no sick leave, and I have been told to make doctors appointments outside of work time. We are expected to work 6-7 months straight without taking a day of time off for anything. We are not paid for time off even if we take a sick day. [REDACTED] It would be nice to have the company more sympathetic to that.*

*Family does not matter. Your job is your priority and they don't let you forget it.*

*My supervisor / crew chief are great and I wouldn't hesitate to ask but I know others who aren't as nice and are intimidating. Lack of notice to return to work does strain work / family.*

*I am able to balance work and family responsibilities because I have no dependants. However, I see co-workers struggle to get time off for family responsibilities and medical appointments. Room to be improved.*

*Impossible to do as a seasonal because we are without any rights.*

*It is very difficult to manage family responsibilities as a seasonal employee. There is a lot of pressure put on us to not ask for time and it has been mentioned that we are here to fill in for vacations of full time staff. When I have sick kids I definitely feel nervous and guilty to call in even though I know I won't be paid for the day.*

*Seasonal employees are "reprimanded" (almost) for taking any time off, not given sick days. It is reflected negatively on reviews if any time is taken off for whatever reason, no matter how valid.*

Employees also noted that the demands of the Winter Works Program and lack of flexibility in asking for time off not only affects their work/life balance, but also their morale and mental health. This is further compounded by the lack of compassion and flexibility shown by some supervisors:

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*When on snow it feels like you are owned by the city because they can call you at anytime and you never know when you're off 4 or 8 till later in afternoon.*

*It is especially difficult in winter time to balance work-family responsibilities, especially working repetitive 12 hour shifts. I often become exhausted, sick a lot, and only see my wee daughter for a short time before she had to go to bed. What kind of modifications can be made, if I ask for them will I get viewed differently?*

*My supervisor is very strict on the rules of the Collective Agreement and rarely allows diversion from it, even in emergency cases. The supervisor's attitude has been vocalized by saying "You are paid to work a 40 hour week, not vacation 40 hours." The supervisor has also said to employees that "I own your asses for 40 hours a week" — no flexibility and rude to employees.*



Employees understood that because of uncertain weather conditions HRM has no control over the demands for the Winter Works Program. However, many identified the management of the program and the constant downsizing of the business unit as main sources of frustration:

*Winter works is hard on my body, my mind and takes a great toll on family life. Being told you have to work overtime and "have to" come in on weekends is completely unfair. I pay the price for management's lack of organization.*

*The winter season puts a strain on employees with families with nearly 50% of the staff involved in the snow removal effort is forced to work full time night shifts even when weather conditions don't require them. The driving force in that decision is taking care of the bottom line. People's well-being or their home life don't seem to matter.*

*During winter works 84 hour weeks were typical for employees for weeks. This was expected by management. Management should be prepared with spare workers to prevent this in the future.*

*Our reliance on experienced personnel to shoulder the burden of unfilled vacancies or the workload of multiple positions has passed its critical threshold in our bargaining unit at a time when many can retire.*

*The Winter Works season places high demand and strains on work/ family balance. The winter can demand that you work continuously for straight shifts with no breaks. This past winter was a good example where due to the weather we were required to work up*



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*to 60 - 12 hour shifts straight. This is a poor design. There should be enough capacity to have scheduled days off whether it snows or not. Structure it like other organizations where you work "X" on and then have "X" off, regardless of the weather conditions. The current structure prevents you from making plans with your family over the winter months due to the fact that the weather dictates if you have to be at work. Your family is made to feel that they are second priority during the winter. This might have been accepted when there was the "bread winner" mentality but this expectation is not socially acceptable anymore.*

### **7.3 Religious accommodation**

The Nova Scotia *Human Rights Act* requires HRM to accommodate employees based on any human rights enumerated ground, including religion. Typically, issues with respect to religion arise in the workplace with respect to dress code, time off for religious observance, breaks, prayer space, scheduling of shifts and scheduling of interviews.

#### **Findings**

##### **Holidays**

HRM's *Holidays Policy* identifies the days which are recognized as holidays. It also notes that HRM will accommodate employee "requests for time off for personal observances of religious events. Time off may be paid through the use of time in lieu or vacation time."

##### **Dress Code**

The *Workplace Professionalism Guidelines* notes that it is important to present a professional image at all times and outlines appropriate workplace attire for HRM employees. The guidelines do address the need to provide religious accommodation to employees. Under the heading inappropriate attire, it identifies hats, caps, head coverings and/or face coverings, "except for safety, religious, cultural or medical reasons."

### **7.4 Respectful work environment**

#### **Findings**

##### **Conflict Resolution Unit**

Up to summer of 2013, the Organizational Development Team had five consultants. Two staff were responsible for conflict resolution, including triage, initial assessments, investigations, mediations, facilitated discussions, and organizational assessments. Two staff were responsible for policy development, developing organizational development tools and program development. In addition, one staff as responsible for training and development. Since the summer of 2013, there is one full-time Conflict Resolution Consultant. Other staff on the team are junior staff that assist with conflict resolution only when absolutely necessary.

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### **Workplace Rights Policy (Under Review)**

This policy specifies HRM's obligation to provide a workplace free from harassment.

The policy notes that:

- HRM has an obligation to provide a workplace free of harassment
- All HRM employees have a responsibility to respect the dignity and human rights of their co-workers and the public they serve
- No conduct that is unwelcome or ought reasonably to be known to be unwelcome will be tolerated
- No person should be subject to retaliation for making a complaint or participating in an investigation
- This policy does not prevent employees from exercising their rights under the *Nova Scotia Human Rights Act*, the *Police Act of Nova Scotia*, or under a Collective Agreement.

### **Workplace Rights: Anti-Harassment Policy**

This policy meets the organization's obligation to provide a workplace free of harassment. The policy notes that it is one component of the overall *Workplace Rights Policies* for the organization.

This section assesses this policy against best practices for such policies. This review finds HRM's policy and procedures to be well developed and for the most part, in compliance with the organization's obligations under the *Nova Scotia Human Rights Act*. The following identified ways in which this policy and related procedures can be strengthened:

- Provide a list of the human rights enumerated grounds
- Prohibit discrimination
- Define harassment and discrimination
- Identify the roles and responsibilities of supervisors and managers to create and maintain a respectful workplace that is free from harassment and discrimination
- Identify management's failure to address harassment or discrimination when they become aware of it as condonation, which should be identified as a violation of the policy and subject to discipline
- Identify management's failure to provide accommodation as a form of discrimination
- Specify the range of disciplinary action for someone who is found to have violated this policy, up to and including dismissal
- Inform employees that they retain the right to file a complaint under the *Human Rights Act* or their union, should they choose



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- Note that HRM is liable for the behaviours of its officers, managers and employees
- Identify the responsibilities of HRM to educate employees about the policy
- Provide for the monitoring and evaluation of the application of the policy, such as the collection and analysis of employee comments, feedback from investigators and managers, and information collection through exit interviews to inform the monitoring and review of the policy
- Require that Human Resources report annually to the leadership team about the number and type of complaints and any trends and systemic issues that need to be addressed proactively
- Require the timely investigation and resolution of human rights complaints.

### **Workplace Violence Prevention Corporate Procedure**

This policy states HRM's commitment to working with employees to provide a workplace that is free from violence. It identifies violence as an occupational health and safety hazard that may result in physical and/or emotional harm.

The policy defines workplace violence to include physical as well as threats and conduct or attempted conduct that endangers or is intended to endanger the physical or mental health or mental safety of an individual.

Human Resources reports that managers and supervisors are trained to conduct the Violence Risk Assessment. They are then required to complete these assessments, with their Workplace Violence Prevention Plan.

### **Work Environment**

As there are various worksites within this business unit and various work teams, the work environment varies for employees. Some employees told us that they enjoy a welcoming and respectful work environment. Of concern is the work environment described by other employees through the focus groups and employee survey. These employees raise various concerns about their work environment, including bullying supervisors or managers, co-workers who are uncomfortable with diversity, feeling alone and isolated in the workplace, and supervisors and managers who don't intervene when issues do arise. As some employees noted, the biggest challenge of working in the business unit is not the work itself but the work environment and how they are treated by managers, supervisor and their co-workers. As one employee noted:

*I can't stay here. I will never realize my potential here. My sense of well-being has been compromised. I can't do this to myself. It's going to take a lot of work to fix this.*

In the focus groups and online survey, employees shared concerns about low morale within the business unit. Some also shared that their morale is affected by what they see as an authoritative and punitive management style. Some also indicated that supervisors and

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managers don't recognize the excellent work of employees and instead focus on the mistakes that they might make. Others indicate that supervisors and managers don't take the time to talk with employees and understand the work they do.

Some of the supervisors with whom we spoke indicated that they have made an effort to recognize the good work that employees do on a daily basis. They indicate that they also make an effort to create inclusive and welcoming environments for all employees and pay attention to issues that employees from under-represented groups may face.

When asked what more the business unit should do to create a more welcoming and inclusive work environment for all employees, in addition to suggesting an end to bullying, racism, sexism and favouritism, survey respondents provided the following input:

**Diversity training**

*Better diversity training and workshops for all HRM employees. Education re: sexism and racism.*

*Refresh employees on treating women with equality in the workplace.*

*Hire more black supervisors, women and men and treat them all the same.*

**Team building / Appreciation of employees**

*Allow for more get togethers / welcoming events, such as shop meetings with speakers on inclusion, BBQs, fun events, teambuilding exercises.*

*People getting credit when due. Treat everyone fairly and kindly. Show appreciation for everyone's hard work and accomplishments. No scapegoating. Encourage team work and collaboration.*

*Have more meetings or just more eyes out watching because unless someone sees it, it didn't happen. Waving and smiling at everyone is also very welcoming and a big plus to my day.*

**Supervisors / Managers**

*Management should manage, set an example from good work ethics, to effective people skills and direction.*

*Junior supervisors need a safe place to voice their concerns. Superintendents can be vengeful and these staffers have witnessed it!*

**Change workplace culture**

*Workplace culture has to be totally changed.*



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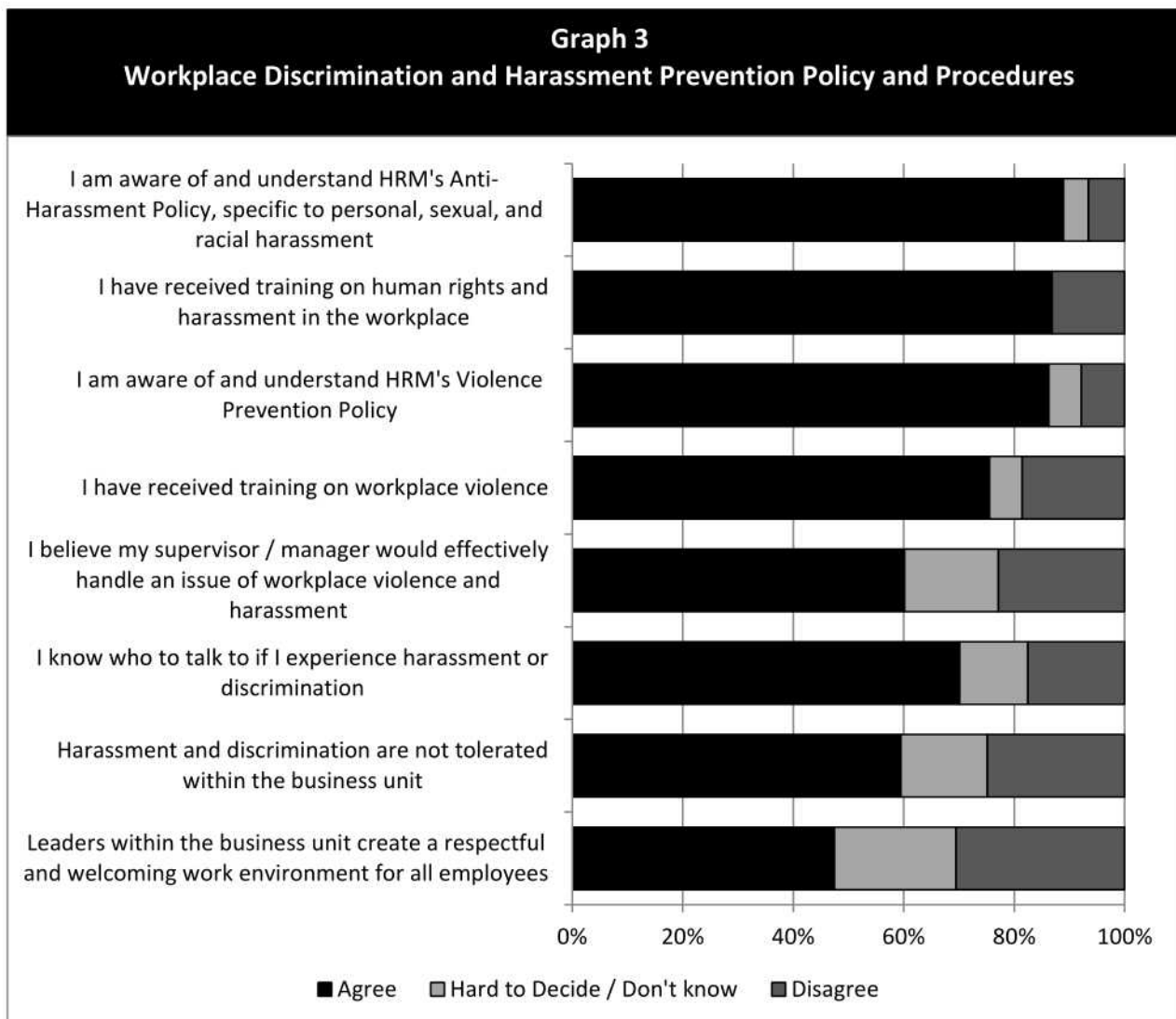
*I fully believe that the problems are systemic and cultural at the business level.*

*[This worksite] is a poison workplace and something needs to be done.*

*The problem is rampant and systemic. Nothing short of a total cultural change will help.*

### Employee Concerns, Awareness and Understanding of Harassment and Discrimination Prevention Policies

The survey asked employees about the organization's workplace discrimination and harassment prevention policies and procedures.



As Graph 3 shows, employee responses to the survey indicate that HRM has done a good job of educating employees about its anti-harassment policies. The majority of employees who responded to the survey (89%) report that they are aware of and understand the organization's

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*Anti-Harassment Policy.* Slightly fewer (87%) report that they have received training on human rights and harassment in the workplace.

In discussions in the focus groups, it was evident that seasonal employees had a greater understanding of these policies and their right to a harassment-free workplace than did some permanent employees. It was noted that this was because seasonal employees and students get a refresher on workplace harassment and violence prevention each year when they return to work. However, the same is not provided to permanent employees. As such, while they may have received training it was likely a while ago and is therefore not fresh in their minds. Some also questioned the training that supervisors and managers get:

*It seems as a seasonal we get training / orientation on this topic annually but are the ones who feel the brunt of it and am not sure how regularly upper management gets training.*

Through the additional information provided on the survey and focus groups, employees noted that more needs to be done to implement these policies and ensure that what was learned in the training sessions are applied. As one survey respondent put it:

*Although for the most part people get along and get the work done, there are some subtle actions which could be considered as being discriminatory. There is a clique-like mentality with some of the staff. At times, this can be frustrating and demeaning. Even though the actions are subtle they can have an effect on other people's sense of well-being after an accumulation of them.*

A similar number of survey respondents indicate that they are aware of and understand HRM's *Violence Prevention Policy* (86%) while 76% indicate that they have received training on workplace violence.

While employees indicated that they received training, some indicate that the training received was not as effective as it could have been:

*The anti-violence "training" was not training. There were no data collection, discussion or real-life examples. It was a waste of time designed so that HALIFAX could simply say that it was not liable.*

While employees indicated that they received training and understand the various policies, far fewer expressed confidence that their supervisor / manager would effectively handle an issue of workplace violence and harassment (60%), while 70% indicate that they know who to talk to if they experience harassment or discrimination.

While employees may bring their concerns forward through their supervisor, manager, Senior Human Resource Consultant, or to their union, some wish to speak with someone outside the



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business unit. During the focus groups for this review, some employees were surprised to learn of the Conflict Resolution Manager and that they could take issues of workplace harassment to him. Knowing about the Conflict Resolution Unit and options outside the business unit for raising and addressing their issues would help employees bring these issues forward and have them addressed quickly rather than get worse and create a poisoned work environment. Sixty percent of respondents believe that harassment and discrimination are not tolerated within the business unit, while one-quarter believe that it is, and 16% found it hard to decide.

When asked about leaders, 47% of survey respondents reported that leaders within the business unit create a respectful and welcoming work environment for all employees. In the focus groups and survey, some employees report that they experience harassment from their supervisor or manager, with a few reporting that they aren't believed when a report is made:

*Stop the management bullying. Teach them some respect please.*

*Supervisors and managers often believe each other when it comes to a complaint about supervisors.*

*Supervisors need more training on appropriate and respectful speaking.*

*Immediate supervisor is very disrespectful and discriminates against employees without consequences. Supervisors abuse their "power" and verbally abuse / harass employees on a daily basis because they believe it is motivating.*

### **Staff Training**

HRM offers a number of training programs to employees to support workplace equity, diversity and inclusion. These courses are outlined in the Training and Leadership Opportunities Catalogue and include the following:

- Skills for Resolving Conflict for Employees
- Skills for Resolving Conflict for Supervisors / Managers
- Introduction to Mediation Skills
- Diversity and Inclusion (offered in three modules)
- Diversity and Inclusion for Leaders
- Inclusion of Persons with Disabilities
- Mental Health in the Workplace
- Respect in the Workplace and Workplace Rights Policy (mandatory for employees and leaders)

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- Workplace Violence Policy Training.

The content of these training programs were not provided for this review and, as such, the efficacy of these programs cannot be assessed.

In response to incidents of workplace harassment, training was provided to MOPS supervisors and superintendents in 2013. The curriculum included the *Workplace Rights Policy*, conflict resolution, and supervisor responsibilities. Training was also provided for Crew Chiefs, which included the *Workplace Rights Policy*, Crew Chief responsibilities, and workplace violence. Supervisors and Managers within MOPS should be fully aware of their responsibilities to prevent harassment, stop harassment when it is witnessed, and not engage in any harassing or discriminatory behaviours themselves.

### **Number and Type of Workplace Harassment and Discrimination Complaints**

HRM reports that few grievances related to harassment and few human rights complaints have been submitted in the past three years. As such, trends and systemic issues cannot be identified through this data.

As discussed in later sections of this report, employees raised a number of concerns with respect to bullying, sexual harassment, and racial harassment and discrimination. Based on discussions with employees, the number of human rights complaints likely under-states the number of incidents experienced by employees and the impact of harassment and discrimination in the workplace.

Many employees with whom we spoke indicated that they lack confidence in the organization's ability to effectively investigate and respond to these issues and as such do not make complaints. In addition, some indicated that some of these behaviours were done in the presence of supervisors, or by the supervisors themselves. They don't see the point of making a complaint when the questionable behaviours have, in effect, been condoned by supervisors and managers.

Some employees also noted that they would not make a complaint of harassment for fear of reprisal and concern about the impact on their career. As one employee noted:

*If I had an issue, I wouldn't complain. It would ruin my career at HRM.*

Others report that the organizational culture is one in which senior managers do not want to hear about issues and when issues are raised, the person raising the issue is seen as the problem. Some indicate that they have gone to the union with an issue and have been discouraged from pursuing a human rights complaint and are told that they may experience repercussions if they make a complaint. Others report experiencing reprisals or being verbally reprimanded for raising issues:



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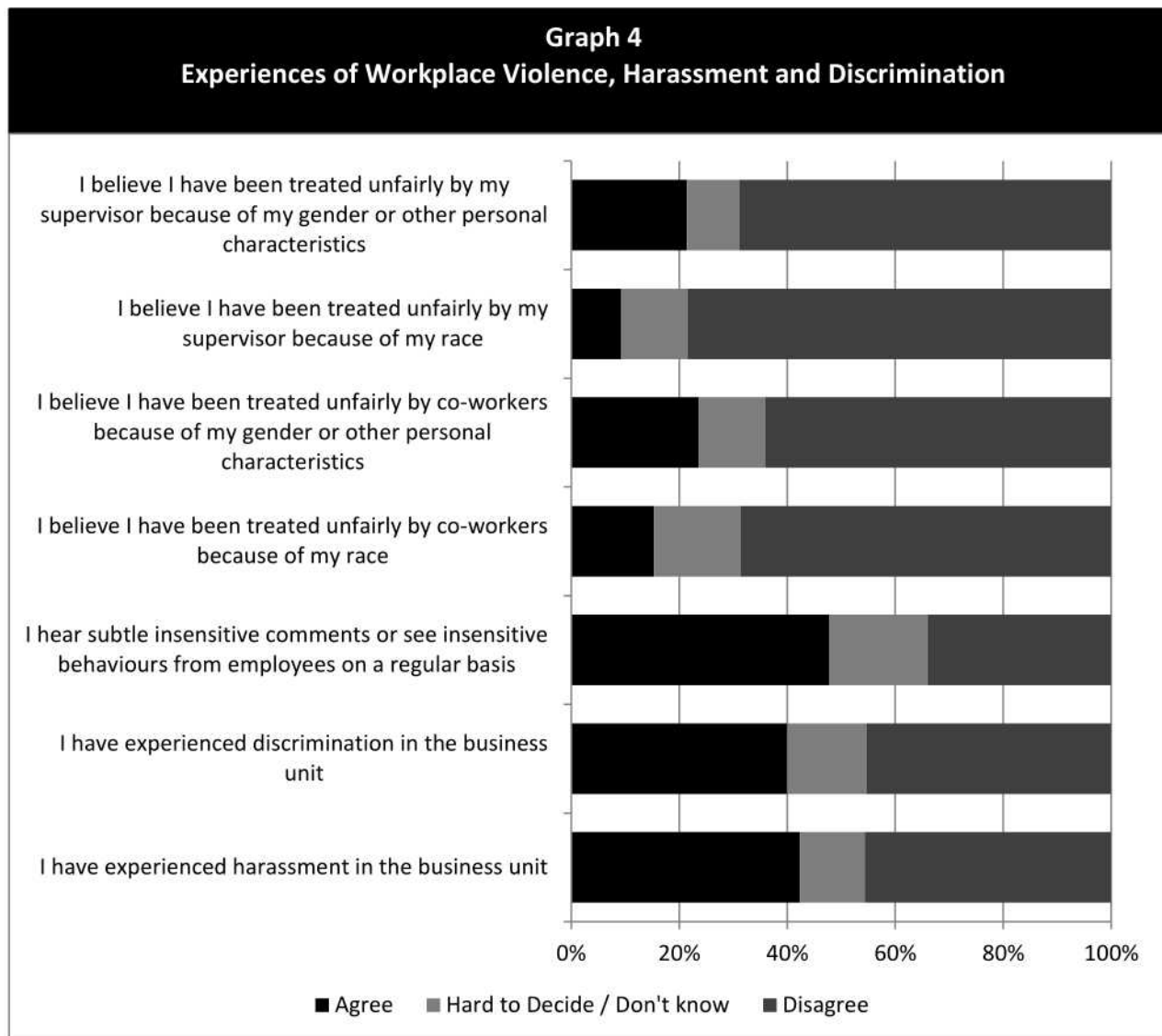
*You are actually punished for trying to make it a better place.*

*I have been told that "if you don't like it here, there is the door", by a supervisor.*

*You can't go to Human Resources if you have an issue. You become the problem when you try to fix things.*

### Experiences of Workplace Violence, Harassment and Discrimination

Survey respondents were also asked about their experiences of workplace violence, harassment and discrimination.



The majority of employees who completed the survey reported that they do not feel that they have been treated unfairly by their supervisor or co-workers because of their race or gender. In

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interpreting these results, however, it is important to note that the majority of survey respondents are White men.

While the numbers are small, when we examine the survey results by gender and race, about 50% of African Nova Scotians and women indicate they feel they have been treated unfairly by their supervisor or co-workers because of their race or gender, respectively.

Of note is that almost half (47%) of all survey respondents, which includes White men, report that they hear subtle insensitive comments or see insensitive behaviours from employees on a regular basis. In addition, 40% indicate that they have experienced discrimination, while 42% report that they have experienced harassment in the business unit.

The discussions in the focus groups help to identify specific issues and concerns of the under-represented groups. Because employees participated in the focus groups on a voluntary basis, subject to knowledge of the focus groups and operational considerations, there is no way of identifying the extent to which some of these issues are concerns throughout the organization. Regardless, it is important to recognize and validate the perceptions of employees which reflect the different experiences they have had in the workplace. Their perspectives allow us to explore further some of the issues and challenges employees face based on their background and identities.

It is important to note that while employees from all groups expressed their concerns and issues, these concerns are shared because of their commitment to HRM and a desire for a more respectful and fair workplace for everyone. Overall, employees shared a commitment to working with HRM, a commitment to doing good work, and an appreciation of their current work and of public service, including:

- Pay, benefits and pension
- The ability to be of service to the public
- Instant gratification as they can immediately see the results of their work
- Interesting and varied work
- Good co-workers and working relationships
- The opportunity to be an ambassador for a great city.

**Women:** The women with whom we spoke expressed some difficulties working in a male-dominated business unit. Their concerns included:

- **Difficulty getting hired in male-dominated occupations.** Women spoke of the difficulty in getting jobs in male-dominated units. They note that attitudes grounded in gender stereotypes about what constitutes men's and women's jobs can create barriers to the



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employment of women in certain positions. They also shared concern that this mentality not only limits the ability of women to be hired into these jobs, but could deter women from even applying.

- **Challenges supervising in a male-dominated business unit.** Some women in supervisory positions shared their challenges supervising in a male-dominated business unit, with some men simply refusing to take orders from them. They also describe a culture among supervisory/management staff that is not inclusive and welcoming of women.
- **Sexism.** Women also shared the challenges they experience fitting into the existing workplace culture which can be hostile to them and openly sexist. Some felt that leaders within MOPS create a culture that is not welcoming of women. They noted that some men in management positions openly express their negative opinions towards hiring women, describing them as, "troublesome and expensive to hire."
- **Sexual harassment.** Some women shared experiences of sexual harassment in the workplace. Some note that the behaviour may not come from those on their work teams, but from those in other work units. As some women noted:

*I am treated with great respect and equality in my department, but experience resistance and inequality from other HRM employees in other departments due to my gender and line of work.*

*I've experienced "sexual language", comments, harassment from co-workers in other departments.*

- **Balancing work and family responsibilities.** As discussed earlier in this report, women noted that in order to meet their responsibilities for child and elder care it is important for them to have flexibility in their work schedules. This is of particular concern when they work in the Winter Works Program.

**Racially visible employees:** Racially visible employees expressed various concerns, including:

- **Barriers to hiring.** Racially visible employees shared their perception that, as a group, they face barriers to securing a job with HRM. They suggest that in some cases people from various backgrounds are screened out of the hiring process based on their name or address. They also indicate that nepotism limits the opportunity of racially visible students to gain valuable work experience with the business unit.
- **Lack of diversity.** Racially visible employees raised concerns about the lack of racial diversity within MOPS, particularly within supervisory and management positions. Of note are the few Black women who work in MOPS. They also note that because of human rights complaints, the fire and police departments have made advancements in diversifying the workforce and creating a more inclusive work environment, and as a result, MOPS is lagging behind these departments.

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- **Unequal expectations and discipline.** Racially visible employees raised concerns that they are expected to outperform their White counterparts in order to be seen as equally competent. In addition, the perception of many Black employees and some White employees is that Black employees experience harsher discipline than their White counterparts for the same behaviours.
- **Work assignments.** Concern was also raised about differences in the work assignments of Black and White seasonal and student employees, with White employees receiving the better shifts and the less physically demanding work. This is particularly an issue for women. From their perspective White women are not often placed in physically demanding jobs as the Black women are.
- **Racism / racial harassment and discrimination.** Racially visible employees shared that they experience inappropriate comments or harassing behaviours from some of their co-workers.
- **Harassment / discrimination by supervisors or condonation of harassment.** Some indicate that inappropriate comments or behaviour occurs in full view of their supervisor, who did not intervene. White employees also shared the details of some of these behaviours and the differential treatment of Black employees within MOPS. This included:
  - Inappropriate comments or behaviours directed at African Nova Scotians
  - Micro-aggressions toward African Nova Scotians, for example a supervisor refusing to return a "good morning" from a Black employee and walking past the employee to greet White employees
  - African Nova Scotians being given the hardest work and the least favourable shifts within the business unit
  - Inconsistency in discipline, e.g. a White employee would get no discipline or lesser discipline, while a Black employee would get more serious discipline for the same behaviour.
- **Fear of reprisal.** Some indicate that they fear reprisals for speaking up or feel that this is "just the way it is" and must put up with the behaviour as a condition of employment with HRM.
- **Glass-ceiling.** Racially visible employees also shared their opinion that, as a group, they face a glass-ceiling within the organization. They note that there currently isn't any racially visible person in supervisor or management positions, and that there have only ever been two supervisors within MOPS. For many, this demonstrates to them that racialized employees are unwelcomed as supervisors or managers. Some indicate that it is demoralizing to know that their advancement within the organization is limited, despite their skills, abilities and ambition.



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- **Concern about moving into a supervisory position.** While some expressed a desire to move into a supervisory position, they expressed concern about whether they will be set up to fail if they do advance. They expressed concern that they may not have the support of other supervisors and of management and that their success could be undermined by the employees they supervise. They were also concerned that once they move into a supervisory position they would not have the protection of a union.
- **Failure of the organization to identify and address issues of race and racism.** It appears that issues of race and racism have been raised by African Nova Scotian employees for at least a decade resulting in the creation of the Racially Visible Employee Caucus. However, despite their persistence in raising issues, it appears that the organization has failed to address their concerns. Instead, each incident of harassment or discrimination has been dealt with as an isolated incident. As such, negative attitudes toward African Nova Scotian employees have been further entrenched, with these employees seen as using race to avoid issues of poor performance. As some White employees with whom we spoke noted:

*Harassment and discrimination is brought up on a fairly regular basis as a reason for certain behaviour. It's used as a crutch when expectations are not met.*

*I don't see discrimination in the workplace, what I see is poor work performance and when it is brought to the employee's attention they tend to use discrimination as a defense.*

The perception among many is that issues of race or racism are nonexistent within HRM and that anyone who works hard enough is able to advance within the organization. As such, the lack of African Nova Scotians in supervisory positions is seen as a reflection of their lack of ambition and inability to work hard rather than resulting from systemic barriers or personal biases. As some noted:

*Some visible minorities in our organization want stuff given to them instead of having to work for them.*

*Why can't people just work hard for what they want!! No matter your race.*

It is important to note that some White employees did agree that issues of race and racism were evident in the business unit and did impact the daily work lives of Black employees as well their opportunities for advancement. When speaking about the pervasive nature of racism within HRM, one White employee noted:

*You might as well be in Mississippi 40 years ago, that's how bad it is.*

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Some White employees also recognized the unfair advantage that racism gives them. As one survey respondent noted:

*I'm white, if anything I have an unfair advantage.*

**LGBTQ employees:** While LGBTQ employees were not identified as a main focus of this ESR, concerns were raised by employees about the experiences of this group within MOPS:

- **Homophobia / unwelcoming environment.** Some gay and lesbian employees felt that some parts of the organization are less welcoming of openly gay or lesbian employees. Some note that in some areas inappropriate language is regularly used by some employees. Of concern is that this language not only creates a poisoned work environment for employees, but can also be overheard by the public, which reflects negatively on the entire organization.

**Persons with disabilities and Aboriginal peoples:** Persons with disabilities and Aboriginal peoples did not participate in the focus groups and did not contact the consultants to request an interview. As such, other than the issues identified elsewhere in this report, no further issues are identified.

**White men:** In the consultations with White men, they also shared their own concerns and issues. Some indicated that morale is low and the work environment creates a great deal of stress for them. Some report that while they once enjoyed their work, the work environment is currently so bad that they now "hate going to work."

There were also a few who indicated that "bullying is a pervasive part of the culture" within the business unit and affects all employees. One example of this is that when men use personal protective equipment they are seen as being "less of a man" and persistently teased by both co-workers and supervisors. This not only poisons the workplace and negatively impacts the individual, it also undermines the health and safety of employees as they don't wear their protective equipment in order to avoid this harassment.

Some White men appreciated that women and racially visible employees may have very different experiences than them and expressed the desire for all employees to work together to resolve issues and create a better working environment for everyone. They shared that there was no venue for employees to come together and share their concerns or to work with the under-represented groups to better understand the issues or work together to address them.

#### **Racially Visible Employees Caucus (RVEC)**

RVEC was formed 11 years ago in response to issues of racism raised by the African Nova Scotian employees within MOPS. During that time they have met once a month to identify and discuss concerns, with administrative support by a Diversity Advisor.



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However, while RVEC was formed to help MOPS deal with issues of racism, over the 11 years of its existence, there has been little engagement of that group by management and Human Resources. As such, while this group provides an important opportunity for peer support, it has not been able to contribute to organizational change.

Rather than being seen as a missed opportunity for the business unit, some employees and supervisors then see RVEC as causing problems. As one person noted:

*Having the black caucus seems like it fosters issues.*

### **Impact on Employees**

Both Black and White employees as well as men and women talked about the personal toll that harassment and discrimination has on them. They shared experiences of stress, anxiety, lost sleep, and a negative overall impact on both physical and mental health.

In addition, some spoke about the impact on their professional lives because they have raised concerns. Specifically, African Nova Scotians raised concerns about reprisals because of their involvement with RVEC.

## **Conclusions and Recommendations**

### **Accommodation**

Clear and comprehensive accommodation policies and procedures help to ensure that organizations meet their duty to deal fairly, thoroughly and effectively with requests for accommodation. It also helps managers, supervisors and employees understand their rights and responsibilities with respect to accommodation.

While the policies related to time off for family responsibilities are well-written, the bereavement leave policy could be updated. The policy allows for five consecutive days off in the event of the death of an immediate family member, defined as the employee's spouse or partner, mother, father, brother, sister, child, grandparent, grandchild, or parent-in-law (or step-relations). It also allows for three days of bereavement leave upon the death of a sister-in-law, brother-in-law, grandparent-in-law, or aunt or uncle.

However, the policy does not allow for bereavement leave for a person who is in a relationship of some permanence with a "child" and foster parents. In addition, in order to address the needs of a growing immigrant community, HRM might also want to allow for additional unpaid (or vacation time) to allow for travel should the relative be outside of Canada.

**Recommendation 54:** It is recommended that HRM develop an Accommodation Policy with procedures to ensure that it meets its obligations to provide accommodation to current and

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prospective employees based on any human rights protected ground. It should be noted that the policy applies to all employees, including seasonal employees and students.

**Recommendation 55:** It is recommended that HRM and CUPE 108 negotiate a Memorandum of Understanding that addresses the duty to accommodate employees based on any human rights protected ground.

**Recommendation 56:** It is recommended that the HRM do more to educate managers and employees about the duty to accommodate and the rights and responsibilities of employees, supervisors, managers and the organization, through information sessions, information on the HRM's intranet, employee orientation and documentation, and printed materials. It is also important to emphasize that accommodation is part of HRM's legal obligations and failure to accommodate is a violation of the *Human Rights Act*.

**Recommendation 57:** It is recommended that HRM better educate and support supervisors to ensure that employees, particularly seasonal employees, are able to better balance work/life responsibilities and are provided with accommodation to meet family responsibilities.

**Recommendation 58:** It is recommended that HRM update its bereavement leave policy to include foster-relationships and other informal parent-child relationships, and to address the needs of immigrants who may need to travel in the event of a death in the family.

### **Religious Accommodation**

HRM does not have a Religious Accommodation Policy that addresses religious needs such as breaks, prayer space, scheduling of shifts and scheduling of interviews. As such, HRM responds on a case-by-case basis via an Administrative Review. Without a policy, employees may not be aware of their right to request and be provided with such accommodation (short of undue hardship). In addition, supervisors and managers may also not be aware of their duty to accommodate.

Given the increasing diversity of the population of Halifax and the surrounding region, it is important that managers understand not only the duty to accommodate, but also the tenets of various religions in order to support their ability to provide religious accommodation. This is particularly important if HRM is to benefit from increased immigration to the country.

In addition, employees also need to understand their rights and responsibilities with respect to religious accommodation and who they can go to should their request be denied.

**Recommendation 59:** It is recommended that HRM develop a Religious Accommodation Policy that supports the organization's legal obligation to provide religious accommodation, short of undue hardship.



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**Recommendation 60:** It is recommended that accommodation training, procedures and guidelines developed for supervisors and managers also include information to help them meet their duty to accommodate based on religion, including religious dress, scheduling shifts, time off for religious observances, providing prayer space, etc.

**Recommendation 61:** It is recommended that information be developed (e.g. an Employee Guide to Accommodation) to inform employees about their rights and responsibilities with respect to accommodation in the workplace (based on any human rights protected ground) and include information on their right to confidentiality and who to contact should they feel that they have not been appropriately accommodated.

### **Workplace Violence, Discrimination and Harassment Prevention**

In any workplace, conflict, whether or not it is based on a human rights protected ground, will occur. The test for the organization is how management responds to the incident when they become aware of it and how they support the workplace to heal following the incident.

HRM has well developed policies and procedures to support a workplace free from violence, harassment and discrimination. However, these policies can be strengthened to better support a respectful and inclusive workplace.

Based on the information collected from this review, it appears that many employees are subject to racist comments and conduct, sexist language, homophobic language, and other inappropriate conduct or comments. In some cases, not only are employees subject to this behaviour and language, but so too are the public when employees are working in the community.

Employees also report that not only are they subjected to harassment, but also to the indifference of supervisors. Lack of action on the part of supervisors and managers—when they know or ought reasonably to be aware of the harassment—is a serious violation of the *Human Rights Act*. In addition, it appears that some supervisors may not appreciate that irrespective of their perception of the validity of the complaint, a lack of appropriate response, including a failure to investigate, could result in a successful human rights complaint.

In failing to act to stop the harassment managers and supervisors have condoned the behaviour, and, as such, make themselves personally liable should a successful human rights complaint be made. They also put the organization at risk, both financially and reputationally. In addition, failure to recognize various incidents of harassment as indicative of a more serious, systemic issue, has created a poisoned work environment for many employees in the business unit.

The lack of immediate and consistent action to stop workplace harassment on the part of supervisors and managers has appeared to deepened racial divides within the business unit. In addition, when issues are investigated, the investigation takes an extraordinarily long time to

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complete, which allows for gossip, isolation of the alleged harasser, and maltreatment of the complainant to cause further harm. Because the discipline is confidential, the complainant does not know what, if any, discipline was meted out. This need for confidentiality, coupled with the distrust of the organization to address issues, further feeds the lack of confidence in the organization's ability to take these issues seriously and appropriately respond to issues of harassment.

In addition, failing to help the workplace heal means that employees don't move on following an incident. As a result, the issues are just beneath the surface and as one supervisor noted, "things could explode at any time." Yet, it appears that no effort has been made to ensure that employees are able to resolve their issues nor has any effort been made, until this review, to meet with the RVEC group to understand their issues and concerns. In addition, a failure to address issues means that many employees live with the harassment because they feel that nothing will be done if they do raise the issue.

While some supervisors spoke of their efforts to set high standards for employees and identify and address issues when they arise, it appears that others have failed to recognize many incidents of workplace harassment. There also appears to be a lack of understanding about what is and isn't harassment or discrimination. As such, managers and supervisors may dismiss the use of inappropriate language because of the individuals and workplace, and may dismiss issues of harassment as personality conflicts. As such, when African Nova Scotian employees raise issues, they are seen as "whining" or "playing the race card" rather than voicing legitimate concerns.

It appears that African Nova Scotians have a long history of unresolved issues of racial harassment and discrimination within MOPS. Because of this history, issues that may not be related to race, are seen through this lens. When legitimate issues of race and racism are raised, they are often not addressed by management. This then further reinforces the perceptions of racism held by Black employees.

**Recommendation 62:** It is recommended that appropriate resources be allotted for intake and investigation of workplace harassment and discrimination complaints, so that employees can immediately be provided with information about their rights, and that investigations can immediately begin and be completed within 90 days, with investigations going beyond that only in extraordinary circumstances.

**Recommendation 63:** It is recommended that emphasis be placed on restorative justice when handling issues of workplace harassment, to help the workplace heal and not further deepen racial divides in the workplace. As such, when management is deciding on what course of action to undertake upon completion of an investigation, someone with human rights expertise should be consulted.



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**Recommendation 64:** It is recommended that a restorative plan be developed and implemented to change and heal the workplace, and bring closure to past grievances so that all employees are able to move forward together.

**Recommendation 65:** It is recommended that HRM develop and implement an awareness campaign to ensure that all employees understand their right to a workplace free from violence, harassment and discrimination, and who to contact for more information or to make a complaint.

**Recommendation 66:** It is recommended that HRM demonstrate its commitment to creating LGBTQ positive spaces by implementing a positive space initiative. This might include appropriate training for managers and employees, along with posting positive space posters in all workplaces.

**Recommendation 67:** While the issue may not currently be an issue, it is recommended that HRM ensure that it is ready to support transgender employees. This means raising awareness of managers and preparing policies and procedures with respect to accommodations such as gender neutral washrooms and change rooms.

**Recommendation 68:** It is recommended that HRM update its *Anti-Harassment Policy* to address the identified issues and ensure the policy is in compliance with the *Human Rights Act* and best practices.

**Recommendation 69:** It is recommended that when conducting human rights investigations emphasis be placed on assessing whether managers and supervisors knew, or ought to have known, about the incident and whether they have in effect condoned the behaviour.

### Training

While HRM has good policies, procedures and training in place to create a workplace free from discrimination, harassment and violence, it is evident that more needs to be done to bring this organizational commitment to life within MOPS workplaces.

The knowledge and skills of the supervisor and manager plays a significant role in the climate of the workplace and staff morale. However, it appears that the people management skills of supervisors and managers vary greatly across the business unit and, in some cases, some may lack the skills and understanding needed to create a welcoming and inclusive work environment.

**Recommendation 70:** It is recommended that more training and supports be put in place for supervisors and managers to help them create and maintain an inclusive and welcoming work environment for all employees. Emphasis should be place on condonation and the fact that they themselves could receive discipline for failing to act to stop harassment and discrimination

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once they become aware of it. Managers should be consulted to identify what more they need in order to undertake this critical management responsibility.

**Recommendation 71:** It is recommended that the workplace culture survey recommended elsewhere in this report be used as the metric through which to measure the extent to which supervisors and managers are creating respectful work environments, and that this information be included as part of their performance appraisal.

**Recommendation 72:** It is recommended that refresher workplace violence, discrimination and harassment prevention training be provided to all permanent employees on an annual basis.

### **Anti-Black Racism**

The discussions with employees and supervisors identified concerns for us with respect to anti-Black racism within the MOPS workforce. In identifying this as an issue, we certainly are not saying that this business unit is unique in any way or different from other parts of the organization or other employers within the province. Instead, what African Nova Scotians experience within MOPS is a reflection of the colonial history of Canada on present day realities which has been well documented.

The overwhelming opinion of the African Nova Scotian employees with whom we spoke is that they have experienced incidents of harassment and discrimination in the workplace. Of concern to us is not just that these incidents occurred, but that they were not immediately and effectively addressed by supervisors. As a result, issues that could be immediately addressed have been allowed to fester, allowing old issues to re-surface, and the work environment to be further poisoned. Also of concern are the behaviours of supervisors which, as it has been described to us, constitute harassment and discrimination. While the experiences shared by African Nova Scotians in and of themselves are valid evidence of this issue, the input from their White co-workers and supervisors support their concerns.

While all African Nova Scotian employees may not experience interpersonal harassment themselves, the climate created by the incidents that occur and are not immediately addressed, coupled with the glass-ceiling they experience and the negative attitudes expressed about their ambition and aptitude to advance, serves to reinforce anti-Black racism within MOPS.

The consultations with employees and interviews with supervisors suggest that the business unit is caught up in a self-sustaining cycle of prejudice in which African Nova Scotians continue to be negatively impacted by experiences of harassment and discrimination, and supervisors and other employees dismiss these concerns or blame the victim for their response.

In order to address this issue, it is critical that anti-racism be incorporated as part of the organization's Diversity and Inclusion Strategy.



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**Recommendation 73:** It is recommended that anti-Black racism be acknowledged and addressed in HRM's Diversity and Inclusion Strategy, with actions such as education and training for managers, supervisors and all employees included in the strategy. RVEC should be consulted on how to address issues of anti-Black racism and what is needed to create change and healing within the business unit.

**Recommendation 74:** It is recommended that HRM take a leadership role in celebrating African Heritage Month to help employees and the broader community understand and appreciate the long history of African peoples in the province and their contributions to building the province.

### RVEC

In creating RVEC and supporting regular meetings of the group, HRM has an excellent opportunity to identify and address issues of race within MOPS. However, failure to engage with the group has meant that the organization has not identified nor addressed the issues of concern to African Nova Scotian employees.

RVEC could be more effectively used to:

- Identify issues of race and racism within the business unit
- Provide input into strategies to address issues.

In addition, RVEC could be used as a venue:

- To educate racially visible employees on human resource policies and practices, job openings, etc.
- For skills development, e.g. computer skills.

**Recommendation 75:** It is recommended that RVEC be formally engaged by management and Human Resources to identify issues of race and racism as well as to educate and inform racially visible employees.

## **8. Exits and Exit Interviews**

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A welcoming and inclusive workplace helps to reduce the turnover rate for staff from the under-represented communities. Rates of turnover and results of exit interviews can assist in determining whether and to what extent issues of equity, diversity and inclusion play a factor in turnover.

### **8.1 Turnover**

#### **Findings**

The turnover rate is not calculated for MOPS separate from HRM as a whole. In addition, the voluntary turnover rate and turnover rate of new hires is not calculated.

Human Resources reports that in total 50 employees exited MOPS in the past three years, either by retirement, termination, resignation or shortage of work (including students and seasonal employees).

The supervisors and employees with whom we spoke shared their perception that turnover has increased among supervisory and management staff in the past few years. To them, this turnover suggests that there is an issue of organizational culture that needs to be addressed. They suggest that some supervisors and managers have left the organization because of a culture that does not respect their skills and abilities and give them the authority to manage their work teams. Others suggest that some supervisors are being pushed out of the organization because of their collaborative management style. The belief is that the organization is shifting toward a more authoritarian management style and those who do not manage that way are being forced out.

### **8.2 Exit interviews**

#### **Findings**

HRM does not currently conduct exit interviews with those who leave the organization voluntarily. As such, the actual reasons for turnover cannot be assessed.

#### **Conclusions and Recommendations**

##### **Turnover**

It is important for HRM to regularly monitor the number of employees that voluntarily leave the organization and their reasons for leaving. For any organization, a certain amount of turnover is natural and healthy. Monitoring trends in numbers and reasons for leaving can help to identify workplace issues that need to be addressed.

The voluntary turnover rate is a critical metric of inclusion within organizations. It is a measure of the total number of voluntary separations (resignations and retirements) of permanent staff (full and part-time) expressed as a percentage of total permanent staff. New hire turnover, e.g.



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voluntary exits among permanent full and part-time staff within two years of hire, is also an important indicator of organizational health. Comparing these turnover rates to other similar organizations is one way to assess the organization's health and ability to retain employees.

**Recommendation 76:** It is recommended that voluntary turnover data for MOPS be calculated to identify trends and issues (should there be sufficient numbers) and reported annually to the Executive Management Team.

**Exit Interviews**

Exit interviews are used to gather information from employees who choose to leave the organization. The process allows departing employees to share what they liked about working with the organization, what needs to be improved, and what they think needs to change for the organization to be an employer of choice for high performing public servants. As such, it can provide critical insights into creating a diverse and inclusive organization.

**Recommendation 77:** It is recommended that a policy and/or guidelines be developed to guide the use and administration of exit interviews.

**Recommendation 78:** It is recommended that HRM develop and consistently use an exit interview survey to enable departing employees to anonymously provide feedback about their experiences at HRM. Questions pertaining to workplace discrimination and harassment, accommodation, diversity and inclusion should be included.

**Recommendation 79:** It is recommended that the data from the exit interview survey be summarized annually to identify trends and issues, and reported annually to the Executive Management Team.

## 9. Attitudes and Corporate Culture

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Individual attitudes and the corporate culture have an impact on the job performance and retention of employees from diverse communities, backgrounds and identities. While some behaviours may not be deemed to be harassment or discrimination as defined by the Nova Scotia *Human Rights Act*, they can nonetheless have a significant impact on the work environment. For example, negative attitudes toward equity and diversity, even those expressed out of ignorance, can affect the work environment and whether employees from diverse communities, backgrounds and identities feel welcomed and included in the workplace.

The levels of support from employees for equity, diversity and inclusion initiatives also helps to assess the organization's readiness for change and the strategies that will be needed to generate employee buy-in in order to support the effectiveness of change initiatives. Many workplace equity, diversity and inclusion programs have been derailed by failure to measure an organization's readiness for change, undertaking too rapid a pace of change, and undertaking initiatives without generating the needed understanding and buy-in from managers and employees, which can then create fear and resentment.

Organizations that are positioned to succeed in their workplace EDI efforts have included diversity objectives in their business plans, integrated equity into procedures and practices, and have displayed a high level of commitment and leadership from the top.

In order to support success, organizations have also ensured that the person responsible for implementing workplace EDI initiatives plays a key role within the organization, works collaboratively with human resources and unions, and has a reporting relationship with top management. In order to support change, organizations also prepare the ground and develop support through consistent and on-going communications to support each step of the implementation of diversity and equity initiatives.

### 9.1 Leadership competencies

#### Findings

HRM has developed key leadership competencies that reflect the skills, abilities, characteristics and behaviours that it believes is needed for success specifically within a municipal environment. These competencies include:

- Achievement motivation
- Developing others
- Managing others
- Values and ethics



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- Valuing diversity, and
- Visioning strategic thinking.

The competency of "valuing diversity" is defined as:

The ability to understand and respect the practices, customs and values of other individuals and cultures. Diversity is beneficial to the organization and community. It applies the ability to work effectively with a wide cross-section of the community representing diverse backgrounds, cultures and socio-economic circumstances, and divergent goals.

The competency includes the following levels:

- Level 1: Is Aware of His/Her Own Culture
- Level 2: Values Differences or Diversity
- Level 3: Monitors and Modifies Own Behaviours
- Level 4: Builds and Maintains Strong Cross-Cultural Teams
- Level 5: Coaches/Educate/Confronts Others.

Human Resources reports that candidates for leadership positions are assessed against the Leadership Competencies during the hiring process. For example, there may be interview questions, written tests, or presentations during the selection process to assess candidates. Leadership competencies are also assessed through the annual performance appraisal process.

## **9.2 Employee recognition**

### **Findings**

The *Recognizing Employees Practice* states that:

HRM believes that recognizing the achievements and contributions of employees provides numerous benefits to the organization.

It goes on to list a number of benefits of employee recognition, including among other things, contributing to a safe, positive, supportive and respectful workplace culture, communicating values, and demonstrating that initiative, creativity, success, and excellence are valued encouraging role models and the opportunity to affirm a sense of community and shared purpose.

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HRM'S Recognition Program includes three dimensions: day-to-day recognition, informal recognition, and formal recognition. It identifies daily recognition as the foundation of HRM's recognition system. It encourages all employees to recognize the contributions of their co-workers through positive daily interactions. In addition, each leader is expected to ensure that all employees are recognized on a regular basis. The document notes that HRM's annual celebration of Employee Appreciation Day emphasizes the importance of daily recognition in each business unit.

Most of the employees with whom we spoke didn't feel that MOPS appreciates or recognizes its employees for their hard work. Some feel that they experience the opposite. As one person noted:

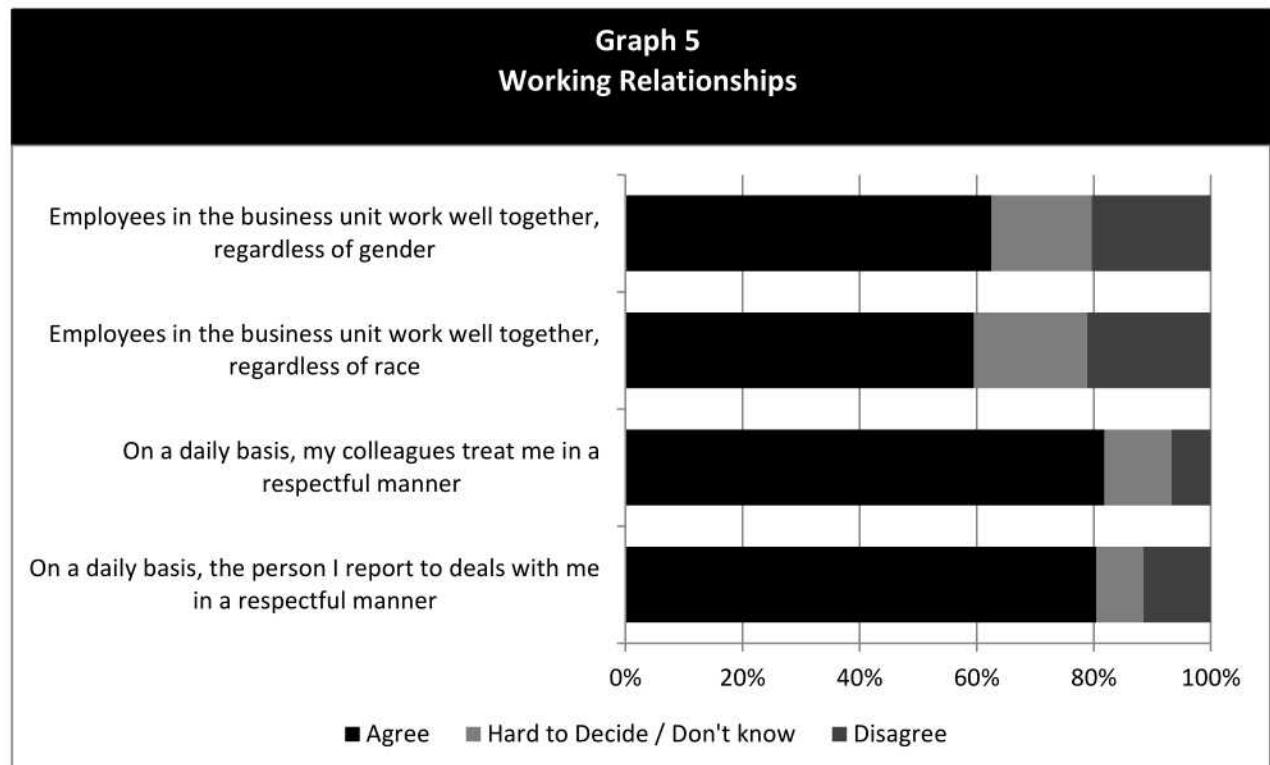
*There is no praise, just criticism from people who don't understand the work we do and who never come out to see what we do.*

Some thought that the bar-b-que held on the Employee Appreciation Day demonstrated a lack of genuine appreciation of the work of employees. They noted that there was "no sense of community" at the event as management didn't make an effort to interact with employees.

### 9.3 Working relationships

#### Findings

Survey respondents were also asked about working relationships within the business unit.





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As Graph 5 shows, overall, 63% report that employees in the business unit work well together regardless of gender, while 60% report that they work well together regardless of race.

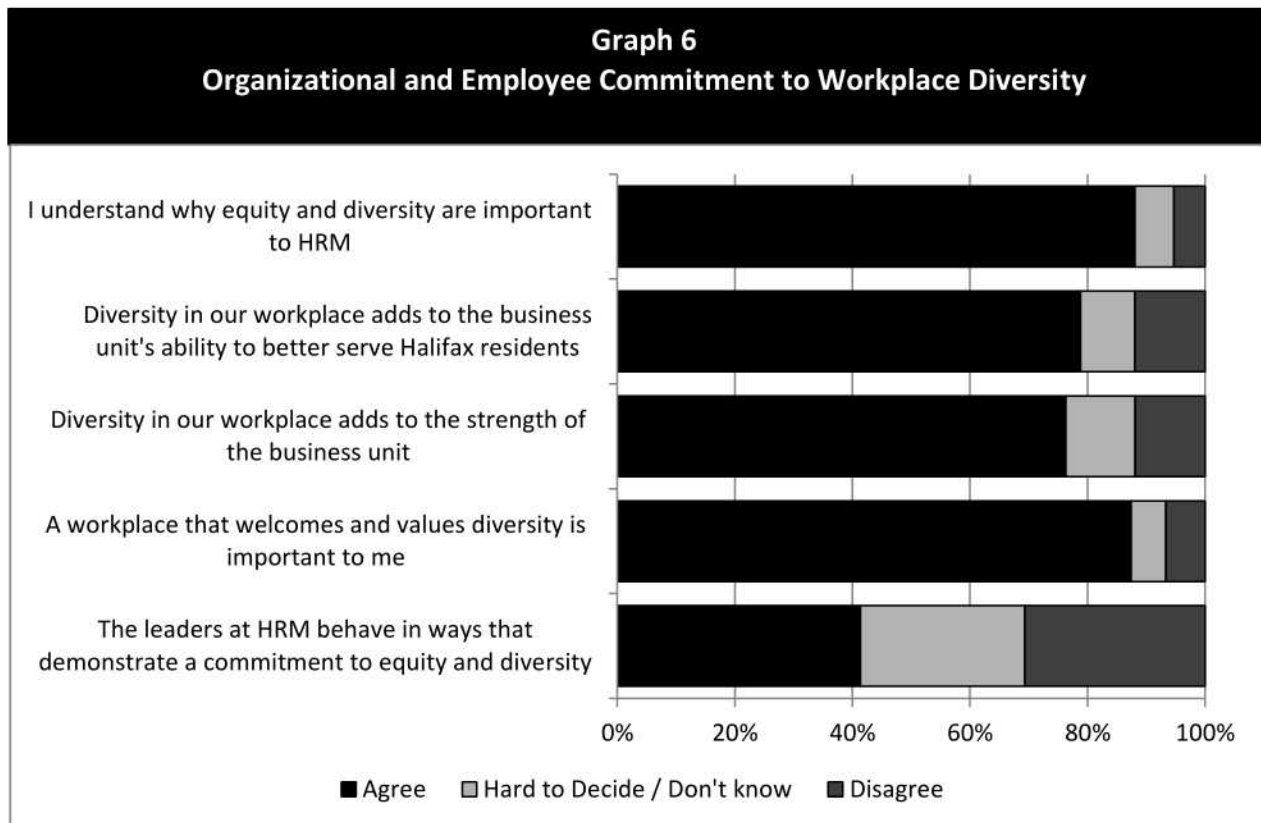
In addition, 81% report that on a daily basis, their colleagues treat them in a respectful manner, while 80% report that on a daily basis the person they report to treats them in a respectful manner.

## 9.4 Perceptions of organizational and employee commitment to workplace diversity

### Findings

The employee survey asked respondents about their own commitment as well as their perception of HRM's commitment to workplace equity, diversity and inclusion.

The opinions expressed by employees and managers through the survey, focus groups and interviews suggest that there isn't a common understanding among employees about the meaning and value of equity, diversity and inclusion, and as a result varying levels of support for this work.



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As Graph 6 shows, 88% of survey respondents indicated that they understand why equity and diversity are important to HRM. Slightly fewer—79%—agreed that diversity adds to the organization's ability to effectively provide services to Halifax residents. Still fewer, 76%, agreed that diversity in the workplace adds to the strength of the business unit. A large proportion of survey respondents, 87% agreed that a workplace that welcomes and values diversity is important to them.

Fewer than half of all respondents (41%) report that leaders at HRM behave in ways that demonstrate a commitment to equity and diversity. For many employees, the behaviour of supervisors and managers has created or worsened issues in the workplace. The issues that arose during the focus groups, and interviews with supervisors themselves, suggest a number of issues:

**Management Style:** Various employees are concerned with what they describe as a reactionary, micro-managing, heavy-handed, and authoritarian management style within the business unit. They suggest that in this current environment, employees are afraid to raise their concerns. They suggest that in the current environment if you raise an issue, you become the problem:

*HRM has bred a culture of fear and intimidation. People are afraid to raise safety and human rights issues.*

Further, many employees and supervisors who participated in the consultations for this ESR described a confrontational relationship between supervisors/managers and unionized employees. They described this relationship as "broken."

Many supervisors with whom we spoke repeatedly used the term "climate of fear" to describe the culture within which they work. As one supervisor noted:

*We are like the dog at home that gets kicked when things don't go well...Because we have no union, they feel they can put the boots to you and they seem to enjoy it.*

Some believe that while some supervisors make an effort to shield the employees on their work teams from this poor working environment, and some employees with whom we spoke indicated that within their work teams, morale and working relationships are very good. However, others believe that the supervisors' treatment by management is reflected in their interactions with employees. They suggest that some supervisors feel that this is what is expected of them. A few suggest that they take a different approach to management, which is not always appreciated by upper management:

*A good relationship with staff is looked down upon. I get more out of these guys when there is give and take. At the end of the day, I thought it was about the work.*



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Most of the supervisors with whom we spoke indicate that in this culture, there is no open communication and no opportunity to raise and resolve issues. As such, supervisors are reticent to raise issues at the risk of being labelled a troublemaker. Instead, they "go along to get along."

Some suggest that this management style is evident in the language used by management. One phrase that is reported to be repeatedly used is, "I want one throat to choke." They report that this is aggressive language meant to instill fear throughout the organization.

Some suggest that the issues created by this management style not only lead to high turnover among supervisors, but also makes it harder to fill vacant positions with the best people, because "word travels." Some employees also suggest that they no longer apply to supervisory positions because of how poorly supervisors are treated.

**Leaders' Lack of Understanding of the Work:** Some of the employees and supervisors with whom we spoke shared their perspective of the impact of the organization's preference to hire supervisors from outside the organization. Some of them indicated that some of the managers and supervisors lack an understanding of their work. Because the business unit does not have a collaborative approach to decision making, employees feel that those who make the decisions aren't able to make informed decisions and don't fully understand the implications of their decisions.

**Supervisor Skills to Handle Conflict:** In addition, many employees expressed concern that supervisors lack the skills needed to handle conflict. From their perspective, when one person behaves inappropriately, rather than dealing directly with that one person, the whole team gets reprimanded, which employees resent:

*If one person does something management paints everyone with the same brush.*

They feel that supervisors lack the skills to deal directly with employees about inappropriate behaviours. Because employees aren't disciplined and coached to change their behaviours, the behaviours don't change. They suggest that in many cases supervisors recognize that there is a problem, but don't act appropriately to correct the problem:

*In doing nothing, we see that they have a bias.*

*Problems have been allowed to fester for so long.*

In some cases, the problem is made worse by supervisors' lack of attention to, or mismanagement of, conflict. Further, some perceive that the supervisor's unfair treatment of employees based on favouritism creates conflict between co-workers.

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Some employees, and some supervisors, feel that in an organization that is not proactive in addressing issues, and which punishes the person who raises issues, supervisors aren't encouraged, supported, lack the role models, and ultimately lack the skills to handle conflict effectively. As such, issues (both those related to diversity and those unrelated) don't get acknowledged and are not appropriately addressed. As such, they fester and create more serious issues.

## **Conclusions and Recommendations**

### **Management Style**

Today's workforce is motivated by an inclusive organizational culture and meaningful work. As expressed by both employees and supervisors in our consultations, MOPS benefits from a dedicated and motivated workforce with many employees wanting to engage in their work, contribute to their communities, build positive relationships with their colleagues, and work in an inclusive organizational culture. An authoritarian management style which creates a "climate of fear" which they described, doesn't support this.

It appears that the organization needs to do much more work to create a culture of inclusion, which must be led and modelled by senior managers.

**Recommendation 80:** It is recommended that senior managers, line managers and supervisors be provided with training and ongoing support to enable them to lead and model a culture of inclusion in all MOPS workplaces.

### **Employee Recognition**

Understanding and appreciation of the work of employees is an important part of creating a welcoming work environment and inclusive organizational culture. Little appreciation of the work that employees do can lead to low morale, which in turn can lead to lower productivity and poorer quality work. Organizations show a great return on investment when they invest in genuine efforts to understand the work of employees and show their appreciation for the work of employees.

**Recommendation 81:** It is recommended that the leadership within MOPS make efforts to get to know the employees on the frontlines and recognize these employees for the work they do. This can be done by doing regular walk arounds to the various worksites, attending staff meetings, and job shadowing employees as they perform their daily tasks.

**Recommendation 82:** It is recommended that the organizational culture survey (recommended elsewhere in this report) ask questions to determine whether employees feel appreciated by supervisors and managers and whether and how their work is recognized.



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### Communication

In order to make real and sustained change that takes place over time, the entire organization needs to be on the same path toward workplace equity, diversity and inclusion. This needs to be based on a common understanding of the issues and the value of workplace EDI to the organization as a whole and to all employees. The perceptions shared during the focus groups and survey indicated that there is a lack of common understanding and therefore buy-in among employees for programs to address workplace equity, diversity and inclusion. As such, it is evident that the organization needs to build a business case for workplace EDI and engage employees at all levels in a corporate conversation on EDI. This will increase understanding of the need for, and ultimately support of, this work.

Unions also need to be brought into the conversation to ensure that they understand and support the actions that arise in response to the findings of this report and HRM's future workplace EDI efforts.

It is important to note that while hopeful, many employees are skeptical that this Employment Systems Review will result in any real change. As some employees noted on the survey,

*It will never change.*

*The more things change ... the more they stay the same.*

*I have been an employee here for a longtime and this seems the same as any other time when an individual or group raise concerns a consultant is hired and a survey is given and that's the end of it, if anyone was interested in affecting real change it would have been done a long time ago.*

As such, more should be done to help MOPS employees understand and support HRM's objectives of ensuring a diverse workforce and an inclusive work environment by creating and communicating a business case for workplace EDI that links equity, diversity and inclusion to HRM's roles and responsibilities as an employer, a service provider, and a community citizen. This business case should also link to the need to attract and retain young people and immigrants, given an aging and declining population. HRM should also develop and communicate a framework for workplace EDI, including terms and concepts, to establish a common language and understanding across the organization, which also addresses the myths and misconceptions held by employees.

**Recommendation 83:** It is recommended that a communications strategy be developed to:

- Increase manager and employee understanding of workplace EDI
- Address the facts and myths associated with workplace EDI

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- Communicate a business case for workplace EDI and link the need for EDI initiatives to operational considerations
- Generate buy-in for initiatives by showing that EDI initiatives create more equitable hiring practices and creates a more inclusive work environment that benefits all employees.

**Recommendation 84:** It is recommended that MOPS employees be supported to understand the need and rationale for its EDI efforts. This might include sharing this report and the resulting action plan with employees and providing regular updates with respect to implementation.

**Development of a MOPS Diversity and Inclusion Plan**

This Employment Systems Review has unearthed a number of issues to the hiring, participation and advancement of members of diverse communities within the MOPS workforce. Employees who participated in the consultations welcomed the opportunity to provide their opinions and expressed hope that this report will be acted upon and that change will be made in the business unit.

Once HRM has received this report it should take immediate steps to develop a MOPS Diversity and Inclusion Plan to not only implement the recommendations from this report, but to ensure it is coordinated with the other human resources, diversity and inclusion work ongoing within the organization.

This strategy should include educating and training employees at all levels of the business unit to help them understand the need for workplace EDI and the roles and responsibilities they each have in creating an inclusive organization. Employees need to understand and buy-in to the organization's EDI agenda—particularly those in management positions who are responsible for hiring, promotion and creating a climate of inclusion. They also need ongoing support to translate their knowledge into action.

The organization's workplace EDI efforts also need visibility, commitment, leadership and accountability. As such, these efforts need to be led by someone at a senior level and supported by appropriate operational staff. But, these efforts also need the attention of managers and supervisors, who will be responsible for operationalizing diversity and creating inclusive workplaces through all their people management practices.

**Recommendation 85:** It is recommended that MOPS develop a Diversity and Inclusion Plan, with input from employees, which is supported by appropriate financial and human resources. The activities in the Plan should include, but not be limited to, implementing the recommendations made in this report.



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**Recommendation 86:** It is recommended that MOPS create a Diversity Advisory Committee, comprised of representatives from the various under-represented groups (e.g. Aboriginal peoples, persons with disabilities, women, and racially visible individuals) as well as White men and LGBTQ employees, to support and provide advice on the development of the Diversity and Inclusion Plan, implementation of recommendations from this report, and on other efforts needed to create a diverse workforce and an inclusive organizational culture.

### **Management Leadership**

Managers have an important role to play in creating an inclusive work environment. These senior leaders can be change leaders by "walking the talk" and modeling the behaviours and language that they expect from HRM employees. This will demonstrate to employees that equity, diversity and a truly inclusive work environment is more than a good idea—it is valued by HRM and important to achieving the organization's business results.

Leaders saying one thing and doing another creates a path to failure for an organization's EDI initiatives. It also breeds distrust and dissention, increases employee resistance, and damages the organization's ability to build employee commitment for the transformation.

**Recommendation 87:** It is recommended that managers commit to and be provided with adequate supports, including training, to enable them to demonstrate a greater personal and professional commitment to EDI through behaviours and language that demonstrate inclusion and respect for all employees.

**Recommendation 88:** It is recommended that the business unit's workplace EDI efforts be championed at the highest level of the organization. This could include identifying a senior leader as the formal champion of the business unit's EDI efforts.

### **Regular Organizational Culture Survey**

A key element in any strategy to promote positive change in an organizational culture is the ability to determine whether progress is being made. Monitoring will also enable the organization to identify whether reasonable progress is being made in specific parts of the organization and provide additional interventions where needed. An organizational culture survey, conducted annually or every two years, would help to measure the health and climate of the organization and its work environment.

Providing this feedback to supervisors and managers would be beneficial to help them identify specific issues and develop appropriate strategies. This should be coupled with providing appropriate support to managers and supervisors to ensure that they are able to address the identified issues and that no negative impact comes to employees should they identify issues through the survey.

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**Recommendation 89:** It is recommended that Human Resources initiate an organizational culture survey of MOPS to be administered every other year. This anonymous survey should consistently use the same questions so that change within the business unit can be assessed over time.

**Review of New and Existing Policies**

HRM conducts regular reviews of its Human Resources policies and supporting business practices to determine if amendments should be recommended to the Executive Management Team. This review draws upon input from HR staff, business unit management teams as well as employees and their representatives.

**Recommendation 90:** It is recommended that HRM include the Diversity and Inclusion Office and the proposed Diversity Advisory Committee, in its review of HR policies to ensure that they are reviewed through an "Equity and Diversity Lens" and to ensure that no new barriers are created for employees from diverse communities, backgrounds and identities.



## 10. Conclusion and Next Steps

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Canada is becoming increasingly more diverse as the population ages and the country relies more heavily on immigration for population and labour market growth. Municipalities have a unique leadership role to play in leading the community in being welcoming and inclusive, not only of new Canadians, but also of Aboriginal peoples, persons with disabilities, women, and racially visible individuals. Municipalities that embrace workplace diversity also help to create more inclusive, welcoming, engaged and sustainable communities where people from all walks of life can fully participate in the social, economic, political and cultural life of the community.

This Employment Systems Review, along with the other work HRM is undertaking, is an important next step in continuing the organization's journey of inclusion.

Throughout this ESR we had the privilege of meeting a number of MOPS employees who are dedicated to providing excellent service to the residents of Halifax. They also expressed a deep commitment to, and desire for, a diverse and inclusive work environment that supports all employees to do their best work.

While the organization has a stated goal of and shows a willingness to be an Employment Equity employer and creating a diverse workforce, much more deliberate and consistent action must be taken if HRM is to achieve this goal. This report confirms that change is needed within MOPS and lays out various recommendations to be considered to address the identified issues. The challenge for HRM is to develop an action plan that prioritizes the recommendations and ensures that the recommendations are implemented in a coordinated and thoughtful manner if real and sustained change is to be made.

While the tenacious and consistent commitment of leaders is critical to making organizational change, this work must be done in collaboration with employees if it is to be successful. We have found that many employees welcome and are ready to engage in this work and hope that leaders within MOPS take this opportunity to thoughtfully, yet boldly, engage the business unit in this important work.

## **APPENDIX A**

### **Policies and Procedures Reviewed**

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#### **Documents**

360 Reference Check for Leadership Position

Checklist for Competition Files

HRM Leadership Competencies, September 2012-June 2013.

Making a Difference: Our values, behaviours and conduct in the workplace.

Manager's Quick Start Checklist for Staffing

Manager's Toolkit

Memo dated July 20, 2012 to Leadership Group; HR Client Services Team, from Manager, HR Client Services. Subject: Recommendation for Hire - Leadership Position Form Amendment: to include 90 Day Hires

Mentorship Program

My Action Plan: Guidebook and Employee Toolkit

Pre-Hire Questionnaire

Recruitment Review: Road Operations and Construction. Final Report and Recommendations. Prepared by Jennifer Hann, Senior Human Resources Consultant, Client Services, Human Resources. January 30, 2015.

Telephone Reference Check

Training and Leadership Opportunities Catalogue. Human Resources.



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**Policies, Procedures and Business Practices**

Appointments  
Attendance Support Program  
Bereavement Leave  
Career Planning  
Compassionate Care Unpaid Leave  
Discretionary Leave (Leave of Absence)  
Educational Leave  
Emergency Leave  
Employee and Family Assistance Plan  
Employee Complaint Resolution Procedure  
Employee Learning and Development Policy  
Employee Performance / Coaching / Corrective Action  
Employee Relationships  
Employment Equity Policy  
Flexible Work Arrangements  
Guidelines for Supporting Breastfeeding in the Workplace  
Halifax Regional Municipality Substance Abuse Prevention Policy  
Hiring (Under Review)  
Holidays  
Performance Development Process  
Pregnancy, Parental and Adoption Leave  
Promotional Practice  
Recognizing Employees  
Reference Checks and Security Checks  
Request for Education Reimbursement Policy  
Scent Neutral Workplace Initiative  
Secondments  
Sick Leave  
Succession Planning  
Values and Ethics  
Workplace Professionalism Guidelines  
Workplace Rights Policy (Under Review)  
Workplace Rights: Anti-Harassment Policy  
Workplace Violence Prevention Corporate Procedure

## APPENDIX B

### Recommendations by Priority Area

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#### **Priority 1: Strengthen the human resources, equity, diversity and inclusion infrastructure**

HRM should take immediate steps to develop a Diversity and Inclusion Plan for MOPS and create the infrastructure to not only implement the recommendations from this report, but to ensure it is coordinated with the other human resources, equity and diversity work ongoing within the organization. This includes ensuring appropriate financial and human resourcing of the organization's commitment to this work.

HRM is to be commended for the work of Human Resources in developing structures to support bias-free hiring. While HRM's employment policies and practices has been identified as a strength on which the organization can build, recommendations have been made to further strengthen these policies and practices, and to support compliance.

#### **Strengthen the equity, diversity and inclusion infrastructure**

**Recommendation 1:** It is recommended that HRM update its *Employment Equity Policy* to identify the roles and responsibilities of the CAO, Human Resources, Diversity and Inclusion Office, leaders and others in implementing the policy, identify the activities that must be undertaken to implement this policy, and require that the organization report to Council annually on the implementation of the policy and the results achieved.

**Recommendation 2:** It is recommended that HRM follow through on its stated commitment to Employment Equity by developing, implementing, appropriately resourcing and monitoring an Employment Equity Program. The Employment Equity Program should model the federal requirements for employment equity, including collecting and analyzing workforce data and focusing efforts to address areas of under-representation.

**Recommendation 3:** It is recommended that a senior leader within MOPS be identified as responsible for implementing the *Employment Equity Policy* within the business unit and the recommendations from this report. This person should report annually on the program's activities, achievements, and outcomes.

**Recommendation 8:** It is recommended that HRM work with CUPE Local 108 to develop a Letter of Understanding or clause that reflects a joint commitment to Employment Equity, diversity and inclusion.

**Recommendation 85:** It is recommended that MOPS develop a Diversity and Inclusion Plan, with input from employees, which is supported by appropriate financial and human resources.



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The activities in the Plan should include, but not be limited to, implementing the recommendations made in this report.

**Recommendation 86:** It is recommended that MOPS create a Diversity Advisory Committee, comprised of representatives from the various under-represented groups (e.g. Aboriginal peoples, persons with disabilities, women, and racially visible individuals) as well as White men and LGBTQ employees, to support and provide advice on the development of the Diversity and Inclusion Plan, implementation of recommendations from this report, and on other efforts needed to create a diverse workforce and an inclusive organizational culture.

**Recommendation 88:** It is recommended that the business unit's workplace EDI efforts be championed at the highest level of the organization. This could include identifying a senior leader as the formal champion of the business unit's EDI efforts.

### **Strengthen supports for bias-free hiring**

**Recommendation 5:** It is recommended that the *Hiring Practice* be updated to:

- Reference the *Employment Equity Policy* and the organization's commitment to creating a diverse workforce that reflects the community served
- Identify diversity as a consideration in hiring, and
- State the organization's commitment to meeting its obligations under the *Human Rights Act* to be non-discriminatory and to provide accommodation throughout the hiring and selection process.

**Recommendation 6:** It is recommended that HRM take further steps to ensure that hiring decisions are not influenced by nepotism, by:

- Expanding the definition of nepotism to also include individuals with whom an employee has a close personal relationship
- Identifying the attempt to improperly influence another employee to hire one's immediate family or someone with whom they have a close personal relationship with as nepotism
- Specifying that employees are not permitted to participate in or influence the hiring or placement of a member of their immediate family or someone with whom they have a close personal relationship, including being involved in screening resumes, interviewing, or in making or influencing the hiring decision
- Identifying nepotism as a conflict of interest
- Identifying someone to which violations of this policy can be reported
- Specifying consequences for the violation of this policy.

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**Recommendation 7:** It is recommended that those involved in the hiring process be held accountable for ensuring a process free from nepotism by requiring that they sign a statement to that effect and that the signed statement be maintained in the competition files.

**Recommendation 9:** It is recommended that the *Manager's Quick Start Checklist for Staffing* be revised to include the following:

- The need to conduct outreach recruitment when advertising the job to ensure a diverse applicant pool
- The need to provide accommodation during the hiring and selection process based on any human rights protected ground
- How to consider diversity when making the final hiring decision.

**Recommendation 10:** It is recommended that HRM reword the educational requirement for manual jobs to reflect the level of education needed to successfully enter the position.

**Recommendation 11:** It is recommended that HRM find a reliable and consistent method to notify existing employees about job openings.

**Recommendation 12:** It is recommended that HRM allow existing employees to apply to job openings through a means other than the online Applicant Tracking System. For example, they could apply using a paper-based application form, which could then be entered by Human Resource staff into the online Applicant Tracking System.

**Recommendation 13:** It is recommended that the HRM Employment webpage be updated to include job seekers with information for newcomers to support their ability to secure employment with HRM, including how to get their foreign-earned credentials assessed.

**Recommendation 14:** It is recommended that the Human Resources Department develop and implement an outreach recruitment strategy that provides some or all of the following activities:

- Advertising individual jobs or employment programs, or guiding the public to HRM's website, through community and ethnic newspapers and websites and church bulletins
- Sharing job ads with community and employment agencies that support job seekers from diverse communities, backgrounds and identities
- Holding open houses to showcase jobs within MOPS and providing information to potential applicants about the application and selection process
- Sharing information with high schools about jobs with MOPS and public service in general through Career Days and other relevant activities



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- Participating in job fairs held by community agencies and educational institutions.

**Recommendation 15:** It is recommended that HRM analyze the self-identification data to determine whether barriers to hiring a more diverse MOPS workforce exist at the pre-application stage (e.g. assess the extent to which members of diverse communities apply to job openings) or whether members of these communities do apply but are not successful in the selection process. This analysis will help to focus its efforts to diversify the workforce.

**Recommendation 17:** It is recommended that job seekers be informed that HRM will accept resumes by email and that this information be prominent on the Employment page of the website and on each job ad.

**Recommendation 18:** It is recommended that HRM update the self-identification section of the online application form to:

- Allow job candidates to self-identify as belonging to more than one group
- Allow for the collection of disaggregated race-based data
- Allow for the collection of data of data on immigrants
- Provide definitions to allow for accurate self-identification.

**Recommendation 19:** It is recommended that the Manager's Toolkit provide examples for hiring managers about what accommodation may be required in the hiring and selection process.

**Recommendation 20:** It is recommended that the accommodation statement be updated to ensure that job applicants understand that accommodation will be provided based on any human rights protected ground, including disability, family responsibilities, and religion.

**Recommendation 21:** It is recommended that the FAQs section of the Employment webpage answer the question, "What is accommodation?" and provide examples to help job applicants understand whether they should be requesting accommodation.

**Recommendation 22:** It is recommended that HRM require that the blind scoring of written tests be the standard practice of the organization and be reflected in the Manager's Toolkit and other written documents to support the hiring process.

**Recommendation 23:** It is recommended that HRM incorporate testing of new employees to ensure that they are able to meet the physical demands of the job.

**Recommendation 24:** It is recommended that Human Resources include at least one woman, Aboriginal person, or racially visible person on the interview panels to diversify the interview

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panels. This may mean including someone from the Diversity and Inclusion Office, someone from outside the organization, or a supervisor or manager from another HRM business unit on the interview panel.

**Recommendation 25:** It is recommended that all interviews include a question to assess the candidate against the Valuing Diversity competency, particularly when interviewing for leadership positions.

**Recommendation 26:** It is recommended that all interview questions be closely linked to the assessment of the skills and abilities of the candidate as it relates to the job. Questions asked to get candidates to review their knowledge and qualifications could be restructured to support candidates to review their resume or work history as it relates to the knowledge and skills needed for the job.

**Recommendation 27:** It is recommended that the Manager's Toolkit and other related materials, indicate that those on the interview panel are *required* to take notes during an interview. These documents should provide guidance with respect to the completeness of these notes and that these notes should be verbatim.

**Recommendation 28:** It is recommended that interview panel members be instructed to score the candidate's responses to each question independently, prior to the discussion with other panel members and coming to a consensus with the other panel members.

**Recommendation 29:** It is recommended that the wording for the rating scale be changed to refer solely to the candidate's skills and abilities to perform the duties of the job.

**Recommendation 30:** It is recommended that the 21 recommendations made from the 2014 Summer Employment Recall Review be implemented to improve the recruitment and selection process.

**Recommendation 33:** It is recommended that a review of the recall process, including a survey of seasonal employees, be conducted to identify and resolve the issues associated with recalling seasonal employees.

**Recommendation 34:** It is recommended that the *Reference Checks and Security Checks Policy* specify the number of references to be checked for internal and external candidates.

**Recommendation 35:** It is recommended that the reference checks include a question to assess the job candidate's ability to work effectively in a diverse workforce and with a diverse client population.

**Recommendation 36:** It is recommended that 360 Reference Checks be conducted when hiring for supervisory and leadership positions.



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**Recommendation 37:** It is recommended that 360 Reference Checks include questions pertaining to the candidate's ability to manage a diverse work team and ability to understand and meet the needs of a diverse client population.

**Recommendation 38:** It is recommended that managers be provided with information on, and support to, assess "suitability" and "fit" when conducting reference checks, in a way that does not violate the *Human Rights Act*.

**Recommendation 39:** It is recommended that job seekers only be asked about criminal convictions when it is a bona fide occupational requirement.

**Recommendation 40:** It is recommended that hiring managers be provided with guidance on how to ensure that consideration of an employee's attendance record in the hiring process does not violate the *Human Rights Act*.

**Recommendation 41:** It is recommended that Human Resources ensure that attendance records are checked as part of the selection process, as stated in the *Reference Checks and Security Checks Policy*.

**Recommendation 42:** It is recommended that Human Resources, in cooperation with the Diversity and Inclusion Office, provide guidance to managers on how to make hiring decisions that support the organization's commitment to Employment Equity and diversifying the workforce.

**Recommendation 43:** It is recommended that the Manager's Toolkit provide guidance to managers to ensure that they are assessing candidates based on their qualifications, skills and abilities to do the job, and not personality, or cultural background.

**Recommendation 44:** It is recommended that all those involved in the hiring process be provided with training to help them understand unconscious bias, how it impacts the hiring process, and how they can minimize the impact of their biases in the hiring process.

**Recommendation 45:** It is recommended that the hiring decision for all positions, including leadership positions, be transparent and that a record of decisions remain in the competition file.

**Recommendation 46:** It is recommended that Human Resources communicate with those involved in the hiring process the need to maintain complete competition files and follow up to ensure that all files are complete.

**Recommendation 47:** It is recommended that hiring managers and/or Human Resources staff be provided with guidance on how to appropriately conduct a debrief session for employees

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who are not successful in a job competition, and that employees be informed that they have the right to ask for and receive a debrief session after a competition.

**Recommendation 48:** It is recommended that HRM regularly communicate with MOPS employees about the hiring process, including any changes to the process, to strengthen their confidence that HRM has a fair and bias-free process that supports the equitable assessment of candidates from all communities, backgrounds and identities.

### **Embed equity and diversity into other Human Resources policies**

**Recommendation 54:** It is recommended that HRM develop an Accommodation Policy with procedures to ensure that it meets its obligations to provide accommodation to current and prospective employees based on any human rights protected ground. It should be noted that the policy applies to all employees, including seasonal employees and students.

**Recommendation 55:** It is recommended that HRM and CUPE 108 negotiate a Memorandum of Understanding that addresses the duty to accommodate employees based on any human rights protected ground.

**Recommendation 56:** It is recommended that the HRM do more to educate managers and employees about the duty to accommodate and the rights and responsibilities of employees, supervisors, managers and the organization, through information sessions, information on the HRM's intranet, employee orientation and documentation, and printed materials. It is also important to emphasize that accommodation is part of HRM's legal obligations and failure to accommodate is a violation of the *Human Rights Act*.

**Recommendation 57:** It is recommended that HRM better educate and support supervisors to ensure that employees, particularly seasonal employees, are able to better balance work/life responsibilities and are provided with accommodation to meet family responsibilities.

**Recommendation 58:** It is recommended that HRM update its bereavement leave policy to include foster-relationships and other informal parent-child relationships, and to address the needs of immigrants who may need to travel in the event of a death in the family.

**Recommendation 59:** It is recommended that HRM develop a Religious Accommodation Policy that supports the organization's legal obligation to provide religious accommodation, short of undue hardship.

**Recommendation 60:** It is recommended that accommodation training, procedures and guidelines developed for supervisors and managers also include information to help them meet their duty to accommodate based on religion, including religious dress, scheduling shifts, time off for religious observances, providing prayer space, etc.



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**Recommendation 61:** It is recommended that information be developed (e.g. an Employee Guide to Accommodation) to inform employees about their rights and responsibilities with respect to accommodation in the workplace (based on any human rights protected ground) and include information on their right to confidentiality and who to contact should they feel that they have not been appropriately accommodated.

**Recommendation 90:** It is recommended that HRM include the Diversity and Inclusion Office and the proposed Diversity Advisory Committee, in its review of HR policies to ensure that they are reviewed through an "Equity and Diversity Lens" and to ensure that no new barriers are created for employees from diverse communities, backgrounds and identities.

**Priority 2: Acknowledge and address anti-Black racism**

HRM should acknowledge and put in place a plan to address anti-Black racism within the business unit. This should include education and training for managers, supervisors and all employees. It should also include celebrating African Heritage Month to will help employees understand the long history of African peoples in the province and their place in the community and organization. This will help counter the negative attitudes toward African Nova Scotians.

**Recommendation 73:** It is recommended that anti-Black racism be acknowledged and addressed in HRM's Diversity and Inclusion Strategy, with actions such as education and training for managers, supervisors and all employees included in the strategy. RVEC should be consulted on how to address issues of anti-Black racism and what is needed to create change and healing within the business unit.

**Recommendation 74:** It is recommended that HRM take a leadership role in celebrating African Heritage Month to help employees and the broader community understand and appreciate the long history of African peoples in the province and their contributions to building the province.

**Recommendation 75:** It is recommended that RVEC be formally engaged by management and Human Resources to identify issues of race and racism as well as to educate and inform racially visible employees.

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### **Priority 3: Create a more diverse workforce, at all levels**

HRM needs to operationalize its *Employment Equity Policy* and achieve its stated goal of creating a diverse workforce. Diversity at all levels of the organization strengthens organizations by improving creativity, innovation and productivity. It also helps the municipality to be more responsive to the needs of an increasingly diverse community.

Further, as the population of Nova Scotia continues to age and decline, Halifax needs to do more to create a welcoming and inclusive city and work environment that attracts and retains young people from all communities, backgrounds, and identities as well as immigrants.

As such, MOPS needs to support managers and supervisors to consider diversity when hiring, while also ensuring that all employees have access to training and supports for advancement. But not only should barriers be removed, the organization should also put in place measures to promote the full participation of persons who may have experienced employment disadvantages, as committed to by the *Employment Equity Policy*.

**Recommendation 16:** It is recommended that when engaging headhunters, HRM instruct them to seek out and include on the shortlist qualified Aboriginal, disabled, racially visible and female candidates.

**Recommendation 4:** It is recommended that the Manager's Toolkit provide specific guidance to managers on how to achieve the organization's objectives of increasing the representation of the Employment Equity Designated Group and immigrants.

**Recommendation 49:** It is recommended that MOPS ensure that training opportunities are communicated to all employees, including technical training and corporate training courses, to ensure all employees know about and are able to express and interest in participating in these opportunities.

**Recommendation 50:** It is recommended that MOPS report annually on the number and demographic composition of employees who have taken training and which training opportunities they have taken, e.g. technical training and corporate training courses, to assess the extent to which there is equitable access to these training opportunities.

**Recommendation 31:** It is recommended that MOPS use the student hiring program and the hiring of new seasonal employees to diversify its workforce and that a certain number of these positions be designated for this program, e.g. 25-50%.

**Recommendation 51:** It is recommended that Human Resources work with the Diversity and Inclusion Office to develop a leadership development program for African Nova Scotians to ensure that they have the training, knowledge, and skills needed to be successful in supervisory positions.



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**Recommendation 52:** It is recommended that HRM develop a strategy to remove the apparent barriers to African Nova Scotian employees advancing within the organization and increase their representation in supervisory and management positions. This strategy might include a mentoring program, increasing access to training and temporary opportunities, ensuring that a certain proportion of those interviewed for supervisory positions are racially visible employees, bias awareness training for those conducting these interviews, and a leadership development program for African Nova Scotians.

**Recommendation 53:** It is recommended that development of succession plans or mentorship programs in MOPS be done through and equity and diversity lens to ensure no barriers to participation for the under-represented groups and that these programs be used to support the advancement of under-represented groups within the business unit.

#### **Priority 4: Create an inclusive organizational culture**

Leaders within MOPS must demonstrate a commitment to workplace equity, diversity and inclusion in their day-to-day interactions with employees. In addition, more could be done to increase the level of understanding among staff about EDI and the role that they each play in creating inclusive workplaces. Further, strengthening the organization's response to workplace violence, discrimination and harassment will help create safe and inclusive spaces for all employees.

#### **Leadership, Monitoring and Accountability**

**Recommendation 70:** It is recommended that more training and supports be put in place for supervisors and managers to help them create and maintain an inclusive and welcoming work environment for all employees. Emphasis should be placed on condonation and the fact that they themselves could receive discipline for failing to act to stop harassment and discrimination once they become aware of it. Managers should be consulted to identify what more they need in order to undertake this critical management responsibility.

**Recommendation 80:** It is recommended that senior managers, line managers and supervisors be provided with training and ongoing support to enable them to lead and model a culture of inclusion in all MOPS workplaces.

**Recommendation 81:** It is recommended that the leadership within MOPS make efforts to get to know the employees on the frontlines and recognize these employees for the work they do. This can be done by doing regular walk arounds to the various worksites, attending staff meetings, and job shadowing employees as they perform their daily tasks.

**Recommendation 87:** It is recommended that managers commit to and be provided with adequate supports, including training, to enable them to demonstrate a greater personal and

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professional commitment to EDI through behaviours and language that demonstrate inclusion and respect for all employees.

**Recommendation 32:** It is recommended that a student exit survey be used to determine the extent to which students from diverse communities, backgrounds and identities have access to summer positions within MOPS and to identify any issues or challenges they experienced during their employment with HRM.

**Recommendation 76:** It is recommended that voluntary turnover data for MOPS be calculated to identify trends and issues (should there be sufficient numbers) and reported annually to the Executive Management Team.

**Recommendation 77:** It is recommended that a policy and/or guidelines be developed to guide the use and administration of exit interviews.

**Recommendation 78:** It is recommended that HRM develop and consistently use an exit interview survey to enable departing employees to anonymously provide feedback about their experiences at HRM. Questions pertaining to workplace discrimination and harassment, accommodation, diversity and inclusion should be included.

**Recommendation 79:** It is recommended that the data from the exit interview survey be summarized annually to identify trends and issues, and reported annually to the Executive Management Team.

**Recommendation 89:** It is recommended that Human Resources initiate an organizational culture survey of MOPS to be administered every other year. This anonymous survey should consistently use the same questions so that change within the business unit can be assessed over time.

**Recommendation 71:** It is recommended that the workplace culture survey recommended elsewhere in this report be used as the metric through which to measure the extent to which supervisors and managers are creating respectful work environments, and that this information be included as part of their performance appraisal.

**Recommendation 82:** It is recommended that the organizational culture survey (recommended elsewhere in this report) ask questions to determine whether employees feel appreciated by supervisors and managers and whether and how their work is recognized.

### **Increase staff understanding of equity, diversity and inclusion**

**Recommendation 83:** It is recommended that a communications strategy be developed to:

- Increase manager and employee understanding of workplace EDI



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- Address the facts and myths associated with workplace EDI
- Communicate a business case for workplace EDI and link the need for EDI initiatives to operational considerations
- Generate buy-in for initiatives by showing that EDI initiatives create more equitable hiring practices and creates a more inclusive work environment that benefits all employees.

**Recommendation 84:** It is recommended that MOPS employees be supported to understand the need and rationale for its EDI efforts. This might include sharing this report and the resulting action plan with employees and providing regular updates with respect to implementation.

**Strengthen the organization's response to violence, discrimination and harassment**

**Recommendation 62:** It is recommended that appropriate resources be allotted for intake and investigation of workplace harassment and discrimination complaints, so that employees can immediately be provided with information about their rights, and that investigations can immediately begin and be completed within 90 days, with investigations going beyond that only in extraordinary circumstances.

**Recommendation 63:** It is recommended that emphasis be placed on restorative justice when handling issues of workplace harassment, to help the workplace heal and not further deepen racial divides in the workplace. As such, when management is deciding on what course of action to undertake upon completion of an investigation, someone with human rights expertise should be consulted.

**Recommendation 64:** It is recommended that a restorative plan be developed and implemented to change and heal the workplace, and bring closure to past grievances so that all employees are able to move forward together.

**Recommendation 65:** It is recommended that HRM develop and implement an awareness campaign to ensure that all employees understand their right to a workplace free from violence, harassment and discrimination, and who to contact for more information or to make a complaint.

**Recommendation 66:** It is recommended that HRM demonstrate its commitment to creating LGBTQ positive spaces by implementing a positive space initiative. This might include appropriate training for managers and employees, along with posting positive space posters in all workplaces.

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**Recommendation 67:** While the issue may not currently be an issue, it is recommended that HRM ensure that it is ready to support transgender employees. This means raising awareness of managers and preparing policies and procedures with respect to accommodations such as gender neutral washrooms and change rooms.

**Recommendation 68:** It is recommended that HRM update its *Anti-Harassment Policy* to address the identified issues and ensure the policy is in compliance with the *Human Rights Act* and best practices.

**Recommendation 69:** It is recommended that when conducting human rights investigations emphasis be placed on assessing whether managers and supervisors knew, or ought to have known, about the incident and whether they have in effect condoned the behaviour.

**Recommendation 72:** It is recommended that refresher workplace violence, discrimination and harassment prevention training be provided to all permanent employees on an annual basis.