



SUBMISSION ON THE

Policy on

# Preventing Barriers in Employment

AMAPCEO

ONTARIO'S PROFESSIONAL EMPLOYEES

AMAPCEO appreciates the opportunity to present feedback on the Policy on Preventing Barriers in Employment. This submission responds to the Employer's April 2018 consultation document and has been informed by feedback gathered from the AMAPCEO Equity Committee.

From AMAPCEO's perspective, the OPS continues to struggle with barriers in employment related to Code-protected grounds. For members of the AMAPCEO Equity Committee, top-of-mind examples in the OPS included:

- numerous issues in the Employer's recruitment practices;
- the creep of "credentialism" and other unnecessary inflations to entry-level qualifications;
- imbalanced access, or "word of mouth" access to professional development opportunities;
- the influence of unconscious biases of managers;
- the effect of informal or social networks on many aspects of workplace culture and participation; and
- work expectations that limit the participation of employees with external personal obligations (e.g. dependent care).

The impacts of these employment barriers have been highlighted in several of the Employer's recent documents, including the OPS Inclusion and Diversity Blueprint and the "OPS of the Future 2018 Action Plan"<sup>4</sup>. Our members were clear, however, that these documents tell only part of a story that is not adequately captured by the current data. Namely, many AMAPCEO members who have no intention to work in managerial roles still face employment barriers that diminish their ability to fully participate within their chosen career streams.

While knowledge of the PPBE and the OPS' commitments to mit-

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<sup>4</sup> Government of Ontario. "OPS Inclusion & Diversity Blueprint". November 16, 2017. <https://www.ontario.ca/page/ops-inclusion-diversity-blueprint>.

igating employment barriers appear to be high, there is widespread concern that the current policy hasn't been implemented stringently enough, and is missing components that would allow a large Employer like the OPS to address the PPBE's commitments. Correspondingly, our submission responds to the Employer's consultation questions by suggesting ways in which the PPBE could be updated so that the Employer will be better positioned to recognize and eliminate employment barriers. We have reordered the questions for clarity in our response.

1

## Do you think that the model of identifying systemic racism barriers outlined in the Anti-Racism Policy could be applied to other Code grounds?

AMAPCEO Equity Committee members were keenly aware of the tensions underlying this question. Many agreed that the Anti-Racism Policy (“the ARP”) contains a better model to address the identification and elimination of systemic barriers than currently exists in the PPBE, and that its approach could be applied to other Code grounds. However, there was a broad recognition that the kinds of discrimination faced by racialized employees in the OPS was significant, and that an independent process to tackle these challenges, as outlined in the ARP, was necessary and appropriate. Concerns were voiced that either incorporating other Code grounds into the ARP approach or simply replicating it in another policy might work to divert a long overdue organizational focus on this area.

On the other hand, there are several other Code grounds where the limited available data in the OPS suggest a different approach, similar to that found in the ARP, is urgently required. In keeping with the ARP’s intersectional principles, that policy may well need to be supported by a PPBE that acknowledges the ways that multiple Code-protected social locations might interact and be uniquely confronted with barriers in employment. As an example, based on the limited data returned from the 2017 Employee Survey, 18% of racialized employees reported experiencing discrimination; however, 51% of employees with disabilities who are Black reported the same<sup>4</sup>. In our view, this points to the need for a revised PPBE that, while perhaps not outright replicating the ARP approach, contains several of the same key factors.

Given some of the data that does exist, it may be practical for the Employer to look at restricting a new approach to data collection and

<sup>4</sup> Government of Ontario. “OPS Inclusion & Diversity Blueprint”. November 16, 2017. <https://www.ontario.ca/page/ops-inclusion-diversity-blueprint>

barrier mitigation under a revised PPBE to a partial or flexible list of Code grounds. In our review of the practices of other large public sector employers, many employment equity policies and programs narrow their focus to gender/gender identity, racialized persons/persons of colour, persons with a disability, and LGBTQ individuals<sup>5</sup>. Clearly, there are several Code grounds that are uniquely pressing, but the data may not be sufficient to effectively reveal and mitigate specific employment barriers facing individuals in those groups. For example, the 2017 Employee Survey indicates that trans employees in the OPS report a discrimination rate of 59%. While it is safe to assume that this extremely high level of apparent discrimination would translate into significant employment barriers for trans employees, there may not yet be sufficient data connecting that general experience to the location of specific employment barriers. Thus, while we make no recommendation on the exact Code grounds or social locations the Employer should be addressing, we are not of the opinion that it must take an “all or none” approach to extending an ARP-like approach to other Code grounds. Instead, we would advise that the policy include increased data collection practices, and the flexibility to respond appropriately to situations where the evidence suggests problems exist.

Given the considerations above, AMAPCEO recommends that:

- the Employer maintain the independent process of data collection, barrier identification and elimination that current exists under the ARP; and
- the Employer revise the PPBE to introduce new data collection and barrier elimination measures tracking other code grounds.

<sup>5</sup> For example, Quebec’s *Act Respecting Equal Access to Employment in Public Bodies* focuses on “Women, handicapped persons within the meaning of the Act, Aboriginal peoples, Persons who are visible minorities and Persons whose mother tongue is neither French nor English”. Similarly, Manitoba focuses its employment equity program on women, aboriginal peoples, persons with a disability and visible minorities.

2

## Do you have any feedback on the principles or mandatory requirements outlined in the Policy?

AMAPCEO recommends revising the principles and mandatory requirements of the PPBE to focus the policy towards a more proactive and evidence based approach, like the ARP, that would selectively target the Code grounds that new data-collection measures indicate pose the most challenges to employment equity in the OPS.

### a) Principles

Given that AMAPCEO recommends that the PPBE be expanded to include several new accountabilities, the principles should be amended to better support those responsibilities.

We recommend the adoption of a principle section in the PPBE more akin to that found in the ARP, which includes policy commitments to a systemic and evidence based approach; transparency and accountability; intersectionality; engagement; sustainability and targeted universalism.

In addition, there are two sections in the current PPBE which are of questionable relevance which we recommend be deleted. First, it is unclear whether it is necessary to include the limiting principle currently found in section 5.2 (“removal or mitigation of systemic employment barriers will be assess against the undue hardship... that would result from removal or mitigation”). While it isn’t disputed that the Employer’s accommodation obligations under the Human Rights Code would exist until the point of undue hardship, we do not believe it is necessary to elevate this legal limitation into a guiding principle for a policy that should be oriented towards prompting significant remedial action in the workplace.

Similarly, AMAPCEO questions the principle in section 5.4 indicating that “every employee” has a role in creating and sustaining an inclusive and accessible workplace. Again, while the statement itself may

be accurate, in our view, the PPBE should contain an upfront recognition that some employees – namely those working in the management cadre – have larger and more significant obligations in identifying and eliminating employment barriers. The policy should recognize this and not include as a principle something that could be interpreted as a diffusion of that responsibility.

Given the considerations above, AMAPCEO recommends that:

- adopt a new principles section modelled after the ARP;
- delete current section 5.2; and
- delete current Section 5.4.

#### b) Mandatory Requirements

The mandatory requirements of the PPBE should be revised to support a more specific barrier removal strategy. The Human Rights Commission of Ontario has issued a guidance regarding best practices in Employer barrier removal plans, which it recommends include the following key factors<sup>4</sup>:

- data collection that allows for creation of goals/identification of areas where action may be needed;
- mechanisms to set specific goals with timelines to their creation;
- allocation of accountability to internal entities sufficiently resourced to achieve those goals; and
- regular reporting and evaluation processes, including external and stakeholder reviews.

Currently, the mandatory requirements of the PPBE do not conform with these suggested practices. AMAPCEO endorses the factors above and recommends they be incorporated into the next iteration of the

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<sup>4</sup> Human Rights Commission of Ontario, “Guide to developing human rights policies and procedures”, December 2013 at page 8.

PPBE as set out below.

i. Data Collection

While the Ministry of Government Services is tasked with evaluating directives/policies/practices (and provided the responsibility to “provide tools” to help... identify systemic employment barriers<sup>5</sup>), no specific accountabilities are delegated to engage in the kinds of data collection that would support the location of which areas of the HR infrastructure, or locations within the OPS, require remedial action to address employment barriers. We therefore recommend the next iteration of the policy task an entity within the OPS with conducting annual workforce analyses, specifically geared to employment barrier identification and removal. The information collected should be sufficient such that the Employer will be able to track the recruitment and participation of employees within ministries and Commission Public Bodies, and enable analysis of the OPS employee group against broader workforce participation information. While we recognize the 2017 Employee Survey has been updated to improve the Employer’s practices in this respect, we would recommend that other forms of targeted data collection also be considered, while keeping in mind employee expectations regarding privacy and confidentiality.

ii. Remedial Action and Accountability

This data collection should be matched with a specific commitment and accountability within the OPS to an office sufficiently resourced to recommend a broad range of remedial actions, based on the evidence presented by the data collection. While we are not recommending the inclusion of mandatory requirements prompting specific remedial actions, we would note that our members had many suggestions to mitigate employment barriers. These included the increased use of “blind” recruitment practices; increases in formal mentorship programs for employees; unconscious bias training for managers; 360-degree reviews of managers by their employees. Any new policy should retain the flexibility and extend sufficient author-

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5 Policy on Preventing Barriers in Employment. Section 6.3



ity to a body to implement these types of actions on both an enterprise wide and ministry/CPB specific basis.

iii. Timelines

Currently the mandatory requirements task the Public Service Commission with setting intervals for barrier evaluation. We recommend instead that a cycle of review be explicitly incorporated into the policy, as opposed to an interval set by the Public Service Commission. We would specifically recommend the establishment an annual cycle of data collection, analysis, remedial action and employee reporting/consultation.

iv. Consultation and Reporting

The policy currently has no commitments to external consultation or reporting on the outcomes of data collection or remedial actions. We would recommend that the policy include commitments to report not only to the Public Service Commission, as is now required, but also to employees, their bargaining agents and other stakeholders external to the OPS. Bargaining agents have a unique role in helping address issues of discrimination in the OPS and history of productive engagement on these issues fighting. We would therefore specifically recommend that PPBE reporting and evaluation be made an annual item on the Multi Bargaining Agent meeting agenda.

AMAPCEO recommends revision of the minimum requirements to include commitments to the following key factors:

- tasking an entity within the OPS with new forms of data collection that allow better identification of employment barriers;
- giving that entity authority and accountability to direct where remedial action is necessary;
- the explicit incorporation of an annual cycle of collection, reporting and implementation of remedial steps; and
- inclusion of a regular reporting and evaluation processes, including consultation with employees, bargaining agents and other relevant third party stakeholders.

**3**

### **What do you think are the key factors for an effective PPBE?**

Please see our response regarding mandatory requirements in 2(b), above.

**4**

### **Are there elements of the current policy that you would like to see retained?**

We make no recommendation regarding the continuance of any elements within the current PPBE.

AMAPCEO appreciates the opportunity to provide input into this policy review process. Please do not hesitate to contact us with any questions or concerns regarding the suggestions noted above, or to arrange for a meeting with myself and our staff.

Sincerely,

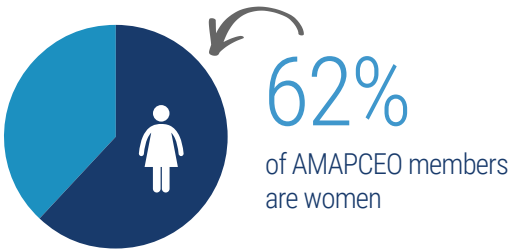
A handwritten signature in black ink that reads "Dave". The signature is written in a cursive, slightly slanted style.

Dave Bulmer  
President

## Who We Are

AMAPCEO is a member-driven union of professional employees, dedicated to providing outstanding representation and other services to our members. We protect members' rights, defend Ontario's public services and advocate for better working conditions for all workers.

14,095  
public professionals  
represented



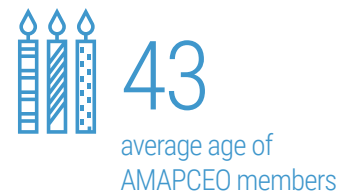
The majority of AMAPCEO members work for the Ontario Public Service. You probably know them; they work for the government in every ministry, as well as in a number of agencies, boards and commissions—in over 130 communities across the province and in eleven cities outside Canada.

We also represent members in six broader public sector bargaining units outside the OPS:

- Two independent offices of the Legislative Assembly (Provincial Advocate for Children and Youth and the French Language Services Commissioner);
- Three independent crown agencies (Ontario Arts Council, Health Quality Ontario and Public Health Ontario); and
- Waypoint Centre for Mental Health Care, in Penetanguishene.



Our membership is educated, professional, and diverse. They are problem solvers who take pride in working hard and offering creative, evidence-based solutions to public policy issues. They are passionate about serving the public interest.



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AMAPCEO's submissions at  
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# AMAPCEO

ONTARIO'S PROFESSIONAL EMPLOYEES

Established in 1992, AMAPCEO is a bargaining agent that represents 14,000 professional and supervisory public servants who work in the Ontario Public Service or one of six organizations in the Broader Public Sector.

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