

# Inclusivity Assessment

**Part 1** > Review of Employment  
Policies and Practices

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**Appendix A: Policies and Documents Reviewed**

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# EXECUTIVE SUMMARY

This Inclusivity Assessment is the product of 5 months of work by the consulting team to review both Lambton College's employment and student policies, practices, and programs through an equity lens in order to identify and make recommendations for the elimination of systemic, cultural, and attitudinal barriers. These recommendations will form the basis of the College's Inclusivity Assessment Strategy.

Given the increasing diversity of the provincial population and Lambton's recruitment of international students, workplace equity, diversity, and inclusion (EDI) cannot be left to chance. More and more post-secondary institutions across Canada are recognizing that in order to be an employer of choice, a leader in research, and a good community partner, diversity, equity, and inclusion must be boldly, deliberately, and thoughtfully incorporated into all aspects of the institution's work.

To create an inclusive organization, leaders must demonstrate personal commitment and courageously lead students, staff, and faculty on this journey. All members of the college community must be tenacious in committing their time and energy to guiding and nurturing programs, participating in learning opportunities, and applying their learnings to how they interact within the College's learning and working environments. An inclusive organization also requires that staff have a deep understanding of EDI, what it means in the workplace, and also what it means for teaching and the delivery of programs and services to students. This work will be challenging and uncomfortable for many. It will require that leaders and employees get comfortable engaging in uncomfortable conversations that challenge the status quo, question the worldview of individuals, and which will ultimately change how and what programs and services are delivered.

The College's inclusivity journey requires patience, a commitment to embedding EDI into everything the organization does. EDI should be an "add-in" rather than an "add-on" to existing work, with the understanding that this journey is ongoing and not a one-time initiative.

This Inclusivity Assessment consisted of two parts and resulted in two reports:

- **Report 1: Review of Employment Policies and Practices.** The first part of this Inclusivity Assessment focused on reviewing employment policies and practices through an equity lens. The report documents the results of the review and the identification of barriers to the hiring, advancement, and inclusion of Indigenous peoples and the equity-seeking groups (i.e., women, persons with disabilities, racialized people, and 2SLGBTQ+).
- **Report 2: Review of Student Policies, Programs and Services.** The second part is the review the College's student-focused policies, programs, and services through

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an equity lens. The purpose is to identify barriers to achieving an equitable and inclusive learning environment for Indigenous students and students from the equity-seeking groups (i.e., women, racialized students, international students, persons with disabilities, and 2SLGBTQ+ students).

The results of both parts of the Inclusivity Assessment form the basis of Lambton's Inclusivity Strategy, the third document in this series.

## **Methodology**

The Ontario *Human Rights Code* ("the Code") requires that Lambton College are non-discriminatory in their employment policies and practices, maintain a harassment-free working environment, and provide accommodation based on any human rights protected ground, short of undue hardship. Additional equity-related requirements are set out in the *Accessibility for Ontarians with Disabilities Act* (AODA), which includes a number of standards to ensure that persons with disabilities have access to employment and a workplace that is similar to that of people without disabilities.

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

- **Legal compliance:** to ensure compliance with equity-related legislation such as the *Ontario Human Rights Code*, *Occupational Health and Safety Act*, and *Accessibility for Ontarians with Disabilities Act*
- **Consistency:** to ensure policies and accompanying procedures are applied in a consistent manner throughout the organization
- **Job relatedness:** to ensure requirements clearly demonstrate a bona fide occupational requirement, are objective, and constitute a business necessity
- **Validity:** to determine whether they are objective and accurately predict job performance
- **Adverse impact:** to assess whether they have a disproportionately negative effect on Indigenous employees and employees from the equity-seeking groups
- **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 in all aspects of employment and provide the accommodation needed by employees, and
- **Inclusive:** to assess whether policies and practices are inclusive of all employees, including those who identify as Indigenous or belonging to the equity-seeking groups.

This review also explored whether the organization lacks policies or practices that would support the creation of more equitable hiring and promotion practices, greater workforce

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diversity reflective of the community served, and a more inclusive organizational culture. Gaps in the College's policy framework are identified.

The Inclusivity Assessment blends the collection and analysis of both qualitative and quantitative data through the following methods:

- Review of employment policies and related documents
- Focus groups and an online survey in which 261 employees participated, and
- One-on-one telephone interviews with internal and external stakeholders and the senior leadership team.

### **The Road Ahead: Priorities and actions**

The findings from the Inclusivity Assessment helps the College understand the specific issues that need to be addressed and recommends the actions to be taken to address these issues.

The Inclusivity Assessment found that while some employees had a deep understanding of equity, diversity and inclusion, the College needs to do more to develop a common language and understanding of EDI among employees and leaders. The experiences they shared through this review indicate that employees have different levels of understanding and awareness of issues of EDI, with inappropriate behaviours occurring and not being addressed. Furthermore, the College needs to do more to increase diversity among staff and faculty. But it must also focus on changing the organizational culture so that employees from diverse communities, backgrounds, and identities feel welcome, included, and that they are able to contribute their best to the College.

This review has identified workplace equity, diversity, and inclusion issues and gaps that fall into the following three key areas of focus:

- Diversifying the workforce to better reflect the student population and the labour market
- Creating equitable employment policies and practices, and
- Creating a more inclusive and respectful organizational culture which allows all employees to bring their full and authentic selves to work.

### **Diversify the workforce at all levels**

Lambton College is serving a provincial population that is increasingly culturally, racially, linguistically, and religiously diverse. There is also a growing population of those who identify as 2SLGBTQ+ who are open about their gender and sexual identities and a growing population of persons with disabilities. While the College recruits locally for support staff, faculty are recruited from throughout southern Ontario.

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By all accounts, more needs to be done to diversify the College workforce to better reflect the population served and the labour market. This review found that in order to advance efforts to diversify the workforce, the College's recruitment and selection processes need to be strengthened and barriers to the hiring of employees from diverse backgrounds removed. Those involved in the hiring process must also be supported to recognize and minimize their unconscious biases and understand the value that diversity brings to the organization. Likewise, they must be provided with the tools, resources, and policies to ensure that the employees who are hired have the knowledge and skills to work effectively with a diverse client population.

Recommendations to address these issues include:

- Strengthening the hiring process to support a hiring process based on merit, which does not support the hiring and advancement of people based on their relationships with the hiring manager
- Removing barriers to hiring and supporting hiring based on a candidate's knowledge, skills, and abilities to do the job
- Developing an Employment Equity Policy to codify equitable hiring practices and strategies for diversifying the workforce
- Including qualifications related to one's skills and knowledge to work with an increasingly diverse employee and student population
- Communicating changes to the recruitment and selection process to employees to increase their confidence in the hiring process, and
- Providing managers and supervisors with guidance and support on bias-free hiring and the College's commitment to diversifying the workforce.

**Create equitable Human Resources policies and practices**

Human Resources policies and practices provide the guidance and framework to support the treatment of employees and establish the relationship with the employer. As such, they should support the College in meeting its legal obligations to comply with the Ontario *Human Rights Code* and the *Accessibility for Ontarians with Disabilities Act* by helping to create a discrimination- and harassment-free work environment and by supporting the accommodation of employees based on any human rights protected ground, short of undue hardship.

This assessment found that the College can do more to embed equity within its policies and processes and ensure they align with requirements of the Ontario *Human Rights Code* and the *Accessibility for Ontarians with Disabilities Act*. The assessment also found that more could be done to educate managers to ensure the consistent application of policies and ensure that they fully understand and are able to meet their legal obligations under equity-related legislation.

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While the College has a strong Human Resources infrastructure, it appears to be underresourced compared with similar sized organizations. As such, we are concerned about the capacity of the department to undertake effectively the changes to policy and practices, and engage in the ongoing learning, needed to make the recommended changes.

Recommendations to address these issues include:

- Updating various policies to better align them with the requirements of the Ontario *Human Rights Code*, the *Occupational Health and Safety Act*, and the *Accessibility for Ontarians with Disabilities Act*
- Ensuring that all interview questions be closely linked to the assessment of the knowledge, skills, and abilities of the candidate as it relates to the job, and
- Providing education and information to all employees on accommodation, the College's duty to accommodate, the principles of accommodation, and the accommodation process so that they are able to fully participate in the accommodation process.

**Create a more inclusive and respectful organizational culture**

Each person has a unique experience in the organization that depends on many factors, including their identity. While many employees indicated that they feel welcomed and valued at Lambton College, a number also shared that they have felt devalued and marginalized based on their identity. Some employees shared examples of microaggressions and attitudes that have been allowed to persist within the organization. Some shared that they experience ongoing harassment because of their support for EDI.

Many employees shared the need for an Inclusivity Assessment that not only states a strong organizational commitment to EDI but which also set clear expectations for workplace behaviours. They shared the need for the College to support and encourage increased personal understanding and commitment to issues of equity, diversity, and inclusion, and for staff at all levels of the organization to be held accountable when their behaviours do not align with this commitment.

Some employees also shared their perception that there is no real commitment on the part of the College to workplace equity, equity, and inclusion, and that the only time the issues are addressed is when the organization is forced to do so. They shared their frustration that there hasn't been a stronger and consistent focus on workplace EDI. Hope was expressed that the Inclusivity Strategy would help the College operationalize and embed its commitment to DEI into everything the organization does.

While the majority of employees with whom we consulted shared their support for workplace EDI, it is important to note that there is a small group of organized employees at the College that are resistant to this work and are coordinated in their opposition and undermining of EDI efforts. Some have described their behaviours as harassment and have

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expressed their fear of making a formal complaint out of concern that the behaviours will escalate.

As Lambton College advances along its inclusivity journey, it needs to focus its attention on fostering a more inclusive organizational culture in which employees in all locations feel welcome, safe, and able to contribute their best. Inclusion must not only be championed by senior leaders, managers, and supervisors, but also modelled in order to create the desired shift in organizational culture. Those in leadership positions also need to develop the competence and confidence to set clear expectations and address issues of harassment and discrimination when they do occur.

Recommendations to address the identified issues include:

- Strengthening policies and the ability of managers to address issues of harassment when they do occur
- Updating policies to support transgender employees who may be transitioning at work
- Providing training to employees about issues related to the 2SLGBTQ+ communities, including the use of preferred names and pronouns
- Continuing to educate employees and managers about mental health issues to destigmatize mental health in order to increase the likelihood that employees will seek and receive the needed accommodations
- Providing senior leaders and all people managers with adequate supports, including anti-racism and anti-oppressive practice training, to enable them to demonstrate a greater personal and professional commitment to diversity, equity, and inclusion through behaviours and language, and
- Providing education and training to increase employees' understanding and ability to foster a more inclusive work environment.



# PART A: INTRODUCTION

## Background

As part of its commitment to creating more equitable, diverse, and inclusive learning and working environments, Lambton College (the College/Lambton) contracted with Turner Consulting Group to conduct an Inclusivity Assessment consisting of two parts. The first part focuses on equity, diversity, and inclusion (EDI) in the workplace and the experiences of Indigenous employees and employees from the equity-seeking groups (i.e., women, racialized employees, persons with disabilities, and 2SLGBTQ+).

The second part of the Inclusivity Assessment focuses on reviewing the College's student-focused policies, programs, and services through an equity lens. It aims to identify barriers to achieving an equitable and inclusive learning environment for Indigenous students and students from the equity-seeking groups.

This report summarizes the findings from the review of employment policies, programs, and services and provides recommendations to remove the barriers and address the issues identified. This Inclusivity Assessment focuses on the Sarnia campus.

The results of both parts of the Inclusivity Assessment form the basis of Lambton's Inclusivity Strategy, the third document in this series.

## 2. The Context

Lambton College serves an increasingly diverse domestic student population and a diverse international student population. The College has three campuses. The primary location is in Sarnia, with campuses for international students in Mississauga, and Toronto.

The College had a fall 2021 enrollment at its main campus of approximately 1,900 domestic students, including about 130 self-identified Indigenous students, and just over 2,000 international students. Approximately 800 staff and faculty provide a range of programs and services to these students.

All Ontario post-secondary institutions are recognizing the need to address issues of EDI if they are to continue attracting, retaining, and meeting the needs of the best and brightest students, staff, and faculty. As such, addressing issues of EDI in institutional learning and working environments is now recognized as not simply something that is a "nice to do" or a matter of compliance with equity-related legislation. Instead, it is the smart thing to do, seeing as it impacts an institution's ability to attract and retain the best staff and faculty, educate an increasingly diverse student population, prepare students to work in an increasingly global and diverse labour market, and foster creativity and innovation.

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A number of factors impact the context within which the College operates and drive the need to focus on EDI.

## **2.1 The City of Sarnia**

The City of Sarnia has a population of over 74,000, with a regional population of 131,834 people.

The Sarnia-Lambton area is the birthplace of commercial oil in North America and remains the site of one of the largest petrochemical complexes in Canada. Its industrial history, infrastructure, strategic location, and highly trained workforce have enabled it to become the largest biochemical cluster in the country.<sup>1</sup>

Data from the 2016 Census shows that the city has an aging population, with those over age 65 outnumbering children under age 15 (15,390 and 10,785, respectively).<sup>2</sup> The median age for residents of Sarnia is 45. Between 2001 and 2016, the population of the city of Sarnia grew by only 1% (from 70,876 to 71,594), while the population has declined between 2011 and 2016, dropping from 72,366 to 71,594.

The city has an immigrant population of 8,725, representing 12% of the population. The majority (5,380, or 62%) arrived before 1981, and only 480 (6%) arrived between 2011 and 2016. The top source countries of immigrants arriving between 2011 and 2016 include the United States, India, United Kingdom, Iran, Syria, Iraq, China, Philippines, and Congo.

In addition, 2,785 Indigenous people live in Sarnia, representing 4% of the population. Three First Nations communities are located approximately a half hour from Sarnia: Aamjiwnaang; Kettle and Stony Point; and Walpole Island. An additional three First Nations communities are approximately an hour's drive from the city: Oneida Nation of the Thames; Chippewas of the Thames; and Moravian of the Thames.

Seven percent of the city population is racialized (4,720 people), with South Asians (1,225), Black people (1,010), and Chinese (570) representing the largest groups.

## **2.2 Commitments to employment equity**

Lambton College's strategic plan articulates the vision as follows:

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<sup>1</sup> City of Sarnia. (n.d.). *Economic development*. <https://www.sarnia.ca/business-planning-and-development/economic-development/>

<sup>2</sup> Statistics Canada. (2016). *Census profile, 2016 Census*. <https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/details/page.cfm?Lang=E&Geo1=POPC&Code1=0737&Geo2=PR&Code2=48&Data=Count&SearchText=Sarnia&SearchType=Begins&SearchPR=01&B1=All>

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A leader in education and applied research, challenging boundaries in a world shaped by the Fourth Industrial Revolution

The achievement of this vision is supported by the values of: innovation, caring, quality, vitality, and diversity. The strategic plan also includes a commitment to supporting engaged employees and fostering a healthy working environment, supporting diversity and equity, and advancing Truth and Reconciliation in collaboration with Indigenous communities.

Identified priority actions include:

- Accessible, supportive employee wellness initiatives
- Development opportunities to support employees to realize their full potential
- Social justice initiatives that encourage collaboration and appreciation of diversity
- An inclusive workforce reflective of the communities served
- Collaborative partnerships that mitigate socio-economic barriers to post-secondary education, and
- An environment that enhances Indigenous student engagement, reflected through improved access, retention, graduation, and employment rates.

Lambton College also signed the Colleges and Institutes Canada Indigenous Protocol in 2015. The seven principles Lambton has committed to include increasing the number of Indigenous employees with ongoing appointments throughout the institution, including Indigenous senior administrators.

In addition, the OPSEU Academic Employees Collective Agreement commits the College to:

- The implementation of employment systems, policies and practices, including matters relating to child care, that are non-discriminatory in nature and effect
- The implementation of practices and policies to enhance the hiring of, and transfer, promotion, and training and developmental opportunities of, persons from the designated groups
- Generating data as to the current representation and distribution of the designated groups
- Examination of recruitment and practices of hiring into the bargaining unit of persons from the designated groups
- The removal of any barriers that may exist in employment policies and the monitoring of data relevant to employment equity, and
- The attainment of appropriate representation of targeted groups identified by the Province of Ontario.

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The Support Staff Collective Agreement also includes a clause on employment equity, which reads:

The College and the Union recognize a shared commitment to achieving employment equity in the College by ensuring that the Local Union is consulted with respect to the appropriate mechanisms created by the College to establish and implement employment equity systems, policies and practices.

### **2.3 COVID-19 pandemic**

This Inclusivity Assessment was conducted during the fall term of 2021, in the third school year impacted by the COVID-19 pandemic. The campus was closed or had limited in-person classes during much of the past three school years. Both staff and students have had to adapt to online learning, and to working and studying from home.

International students were particularly impacted, as they needed to undergo a 14-day quarantine in a hotel upon arrival in Canada, and then had to adjust to life in a new country while engaging in their studies. Many international students were not able to travel for their education and have engaged in online learning while remaining in their home countries. All students were impacted by the isolation owing to lost social life and lost income due to lost job opportunities. With the vaccine came the requirement for all staff and students to be vaccinated if they were to come to campus.

Even before the pandemic, post-secondary students faced high levels of mental health concerns.<sup>3</sup> This is partly because mental health challenges tend to emerge during young adulthood (from age 16 to 25)—the age of most post-secondary students. The pandemic has exacerbated these concerns. While they have been tending to their own mental health and caring for their families, College staff have had to shift to online teaching and remote working while responding to the increased needs of students.

### **2.4 Employee engagement and wellness**

In 2019, and then again in 2020, the College undertook an employee engagement survey to identify areas of strength and opportunities to improve the employee experience.

The results showed an overall engagement score of 84%, which is well above benchmarking data and indicative of an overall positive employment experience at Lambton College. The College also scored well above the norm on indicators related to Senior Leadership providing a clear picture of the direction of the College, immediate supervisors listening to ideas and concerns, teams actively working to understand the

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<sup>3</sup> Centre for Innovation in Campus Mental Health. (2021). *The impact of COVID-19 on post-secondary institutions*. [https://campusmentalhealth.ca/wp-content/uploads/2021/06/CICMH\\_COVID-19\\_Impact\\_Infosheet\\_EN.pdf](https://campusmentalhealth.ca/wp-content/uploads/2021/06/CICMH_COVID-19_Impact_Infosheet_EN.pdf)

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needs and expectations of students and clients, and employees feeling encouraged to come up with new and better ways of doing things.

The vast majority (99%) of employees indicated that they are proud of the work they do, and 85% said they would recommend Lambton College as a great place to work.

In order to support employee wellness and improve the employee experience, the College has expanded its wellness supports. This included the development of the Wellness Hub, which provides access to a variety of resources and self-directed learning aimed at equipping employees with best practice well-being and stress management tools.

In addition, a range of virtual professional development sessions were offered during Wellness Week, which took place in March 2021. The sessions focused on mental health, physical and emotional wellness, personal resiliency, and self-care.

The College developed a remote work policy to respond to the challenges created by COVID-19 while continuing to serve the needs of students and maintaining engaged employees, a healthy working environment, and encourage work/life balance.

## **2.5 Internationalization**

The College continues to recruit international students in support of a sustainable College enrollment and the community's immigration strategy. In the coming years, the enrollment of international students on the main campus will increase to 2100 students per year.

As part of the community-driven Local Immigration Partnership's Settlement Strategy under the Facilitation Pillar, activities are held to increase connections between the College's international students and services in the community. There are also activities organized to educate residents of Sarnia about the services offered to international students and to ensure that international students studying at the College feel safe, secure, and welcomed in Lambton County.

## **2.6 The demographic context**

The following demographic and social trends are impacting the diversity of the post-secondary student population and shaping the issues of EDI that post-secondary institutions are challenged to address.

**Large and diverse immigrant population.** With a declining birth rate, Canada relies on immigration for population and labour market growth. As such, the country's immigration targets remain high, ranging from 240,000 to 265,000 people between 2007 and 2011. The

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annual immigration target has progressively increased over the years and is currently at 401,000 new permanent residents for 2021.<sup>4</sup>

In the 1960s, Canada removed country-based restrictions from its immigration policies, which were designed to severely restrict the number of immigrants from non-European countries. Since those changes came into effect, the proportion of immigrants from outside of Europe has increased steadily. The population of newcomers to Canada is now increasingly made up of people from diverse racial, ethnic, linguistic, and religious backgrounds. While Canada received immigrants from over 200 source countries between 2011 and 2016, the majority of newcomers to Ontario during that period came from these top 10 source countries: India, China, Philippines, Pakistan, Iran, Iraq, United States, Egypt, Bangladesh, and United Kingdom.<sup>5</sup>

Recognizing that international students are a valuable and highly educated source of immigrants, the Government of Canada offers a number of pathways for them to remain in Canada after they have completed their studies.

**Increasing racial, cultural, and religious diversity.** Fuelled primarily by immigration, the 2016 Census data highlight the dramatic demographic changes that Ontario has undergone and that are expected to continue in the coming years:

- 1.2 million immigrants arrived in Canada between 2011 and 2016, with about 40% of these newcomers (472,170) settling in Ontario
- 29% of Ontario residents were born outside of Canada, and
- Racialized<sup>6</sup> people made up 29% of Ontario's population.

With Canada's continued reliance on immigration for population and labour market growth, the Toronto census metropolitan area (CMA) demographics will become increasingly more racially, culturally, linguistically, and religiously diverse. Statistics Canada data shows that between 2006 and 2016, the racialized population in Ontario grew by 42%

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<sup>4</sup> Statistics Canada. (2020). *Notice—Supplementary Information for the 2021–2023 Immigration Levels Plan*. <https://www.canada.ca/en/immigration-refugees-citizenship/news/notices/supplementary-immigration-levels-2021-2023.html>

<sup>5</sup> Statistics Canada. (2016). *Census profile, 2016 Census*. <https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/details/page.cfm?Lang=E&Geo1=PR&Code1=35&Geo2=PR&Code2=01&SearchText=ontario&SearchType=Begins&SearchPR=01&B1=All&TABID=1&type=0>

<sup>6</sup> The term “racialized” is used throughout this report to replace the term “visible minority” used by Statistics Canada. This definition includes those who self-identify as South Asian, Chinese, Black, Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean, Japanese, mixed race, and others who identify as non-White and non-Indigenous.

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(from 2,745,200 to 3,885,585), while the total population of Ontario grew by 11% (from 12,160,282 to 13,448,494). As such, the racialized population in Ontario increased from 23% of the population in 2006 to 29% of the population in 2016. Statistics Canada projects that racialized people could represent up to 48% of the Ontario population aged 15 to 64 by 2036.<sup>7</sup>

**Growing Indigenous population.** The Indigenous population is growing at a faster rate than the provincial population overall and is increasingly living in large urban areas. Statistics Canada notes that the Indigenous population is the fastest-growing segment of the Canadian population and has a younger age profile than the non-Indigenous population. Between 2006 and 2016, the Indigenous population in Ontario grew by 54% (from 242,490 to 374,395) compared with 11% for the provincial population overall.<sup>8</sup>

The younger age profile of the Indigenous population means that children made up a larger proportion of the Indigenous population. Statistics Canada data shows that while children aged 14 and under make up 17% of the non-Indigenous population in Canada, they make up 28% of the Indigenous population. In addition, there are more than 254,515 Indigenous youth aged 15 to 24, representing 18% of the total Indigenous population. By comparison, youth make up 13% of the non-Indigenous population.<sup>9</sup> In total, while children and youth (aged 24 and under) make up 30% of the non-Indigenous population, they represent almost half (46%) of the Indigenous population.

The 2016 Census enumerated 374,395 Indigenous people in Ontario, representing 2.9% of the provincial population. This is the largest number of Indigenous people in any province or territory, representing 22% of the total Indigenous population in Canada.

**Growing working-age population with disabilities.** The 2017 Canadian Survey on Disability (CSD) is a national survey of Canadians aged 15 and over whose everyday activities are limited because of a long-term condition or health-related problem.<sup>10</sup> The CSD definition of disability includes anyone who reported being limited in their daily activities

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<sup>7</sup> Statistics Canada. (2017, January 25). *Immigration and diversity: Population projections for Canada and its regions, 2011 to 2036*. <https://www150.statcan.gc.ca/n1/pub/91-551-x/91-551-x2017001-eng.htm>

<sup>8</sup> Statistics Canada. Census of Canada 2006 and 2016. Note that the Indigenous growth rate is the result of multiple factors, including a higher-than-average birth rate, better enumeration by Statistics Canada, and an increasing desire to self-identify as Indigenous.

<sup>9</sup> Statistics Canada. (2011). *Aboriginal Peoples in Canada: First Nations People, Métis and Inuit*. <https://www12.statcan.gc.ca/nhs-enm/2011/as-sa/99-011-x/99-011-x2011001-eng.cfm>

<sup>10</sup> Note that 2016 Statistics Canada Census data on disability is not available, as this question is not asked in the Census. Instead, special surveys are conducted periodically to assess the extent to which Canadians experience disability.

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due to a long-term condition or health problem.<sup>11</sup> The CSD found that 20% of Ontario's working-age population (25 to 64 years) reported having a disability.<sup>12</sup>

Mental health disabilities are increasingly prevalent. Every week, 500,000 Canadians miss work because of a mental health concern, and 30% of all disability claims are related to mental health.<sup>13</sup>

**Increased social acceptance of, and openness from, people who belong to the 2SLGBTQ+ communities**

Statistics Canada does not collect data on sexual orientation or gender identity as part of the Census of Canada. One estimate on the size of the 2SLGBTQ+ population comes from the 2014 Canadian Community Health Survey, which included a question on sexual orientation. In total, 3% of Canadians aged 18 to 59 self-identified as gay, lesbian, or bisexual, with 1.7% self-identifying as gay or lesbian and 1.3% as bisexual.<sup>14</sup> Another estimate of the size of the 2SLGBTQ+ population comes from a 2012 Forum Research poll, which found that 5% of Canadians aged 18 and over identify as lesbian, gay, bisexual, or transgender.<sup>15</sup>

Canada has seen increased legal protections for and increased social acceptance of people who belong to the 2SLGBTQ+ communities. In 2005, same-sex marriage was legalized in Canada. In 2012, gender identity and gender expression were added as protected grounds to the Ontario *Human Rights Code*. These legal protections and greater social inclusion have resulted in more adults being open about their sexual orientation and gender identity, with children and youth being increasingly open about their sexual orientation and gender

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<sup>11</sup> Morris, S., Fawcett, G., Brisebois, L., & Hughes, J. (2018, November 28). *A demographic, employment and income profile of Canadians with disabilities aged 15 years and over, 2017*. <https://www150.statcan.gc.ca/n1/pub/89-654-x/89-654-x2018002-eng.htm>

<sup>12</sup> Statistics Canada. (2012). *Canadian Survey on Disability, 2012*. <http://www.statcan.gc.ca/pub/89-654-x/89-654-x2015001-eng.htm>

<sup>13</sup> Canadian Mental Health Association, Ontario Division. (2018). *Mental health in the workplace: An accommodation guide for managers and staff*. [https://ontario.cmha.ca/wp-content/uploads/2018/10/CMHA\\_Mental-Health-Works-Guidebook-8.5-x11r.pdf](https://ontario.cmha.ca/wp-content/uploads/2018/10/CMHA_Mental-Health-Works-Guidebook-8.5-x11r.pdf)

<sup>14</sup> Statistics Canada. (2014). Canadian Community Health Survey. Retrieved from [https://www.statcan.gc.ca/eng/dai/smr08/2015/smr08\\_203\\_2015](https://www.statcan.gc.ca/eng/dai/smr08/2015/smr08_203_2015)

<sup>15</sup> Forum Research Poll. (2012). Retrieved from <http://news.nationalpost.com/news/canada/the-true-north-lgbt-new-poll-reveals-landscape-of-gay-canada>



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identity at younger ages.<sup>16</sup> This change in laws and attitudes has resulted in 2SLGBTQ+ students, faculty, and staff being more visible on college and university campuses.

### **3. Overview of the Inclusivity Assessment**

#### **3.1 The purpose of an Inclusivity Assessment**

An Inclusivity Assessment is a comprehensive review of written and unwritten, formal and informal employment policies, procedures, and practices that identifies and makes recommendations for the removal of systemic/institutional, cultural, and attitudinal barriers to equitable policies and practices, a diverse workforce, and an inclusive work environment. It provides an organization with information on what is working well and what requires improvement so that it can build on its strengths and remove the identified barriers.

#### **3.2 What are barriers?**

Barriers are formal or informal policies, practices, and procedures that operate either by themselves or together 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, numerous studies along with the Royal Commission on Equality in Employment have shown that certain groups (i.e., women, racialized people,<sup>17</sup> Indigenous Peoples, and persons with disabilities) have faced persistent and systemic barriers to gaining employment commensurate with their education, skills, and experience, as well as advancement and full inclusion in the workplace.<sup>18</sup> As such, these groups have been identified as the focus of the federal *Employment Equity Act* and voluntary employment equity efforts within many organizations. Lambton College has also included those who identify as 2SLGBTQ+<sup>19</sup> as part of this

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<sup>16</sup> CBC. (2016, October 25). Transgender kids coming out younger, experts say after judges ordered 4-year-old to dress like a boy. CBC News. Retrieved from <http://www.cbc.ca/news/canada/calgary/trans-coming-out-earlier-1.3820013>

<sup>17</sup> The term “racialized” is used throughout this report to replace the term “visible minority” used by Statistics Canada. This definition includes those who self-identify as South Asian, Chinese, Black, Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean, Japanese, mixed race, and others who identify as non-White and non-Indigenous.

<sup>18</sup> See *Equality in Employment: A Royal Commission Report* by Judge Rosalie Abella. Released in 1984, this landmark report recommended enactment of employment equity as a government intervention to address the magnitude of systemic discrimination faced by Indigenous peoples and the equity-seeking groups.

<sup>19</sup> This is a shortened acronym that incorporates both sexual orientation and gender identity, and is meant to refer to the entire lesbian, gay, bisexual, trans, queer, questioning, intersex, pansexual, two-spirit, asexual communities and their allies, otherwise referred to as LGBTQIP2SAA.

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Inclusivity Assessment because of the evidence that members of this group also face discrimination in the labour market and harassment on the job.<sup>20</sup>

Indigenous Peoples have a special constitutional relationship with Canada, including treaty rights, which are recognized and affirmed in section 35 of the *Constitution Act, 1982*. The Government of Canada recognizes Indigenous self-government and has committed to a nation-to-nation relationship with First Nations, Inuit, and Métis.<sup>21</sup> As such, it is important to recognize that Indigenous Peoples are not just another equity-seeking group. We therefore refer to these five groups as “Indigenous Peoples and the equity-seeking groups” throughout this report.

While the focus of the review is on these five groups, the consulting team was open to identifying issues that affect other groups, such as newcomers, older workers, and those from various faiths. These issues are noted in this report where they have been identified.

The removal of employment barriers benefits all employees and offers advantages to the organization as a whole through improved productivity, effectiveness, and responsiveness to the College community served and improved outcomes for all students.

Generally, barriers fall into three categories: systemic/institutional, cultural, and attitudinal. These barriers are interrelated and can reinforce each other.

### **Systemic/Institutional Barriers**

Systemic barriers, also referred to as institutional 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 possibly exclude Indigenous Peoples and members of the equity-seeking groups or place them at a disadvantage in the workplace. On the surface, the policies and practices may appear to be neutral or even reasonable. They may also result from unconscious biases on the part of decision makers. Despite their seeming neutrality,

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<sup>20</sup> See for example:

The Canadian Press. (2014, September 1). *Transgender unemployment is a result of discrimination, advocate says*. CBC News. <http://www.cbc.ca/news/canada/toronto/transgender-unemployment-is-a-result-of-discrimination-advocate-says-1.2752459>

Serebrin, J. (2018, May 15). Survey reveals Canada still has a ways to go on workplace discrimination. *The Globe and Mail*. <https://www.theglobeandmail.com/report-on-business/careers/the-future-of-work/survey-reveals-canada-still-has-a-ways-to-go-on-workplace-discrimination/article27006279/>

<sup>21</sup> Government of Canada. (2018, February 14). *Principles respecting the Government of Canada’s relationship with Indigenous peoples*. <https://www.justice.gc.ca/eng/csj-sjc/principles-principes.html>

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these policies and practices may have a negative impact on Indigenous Peoples and members of the equity-seeking groups.

Examples of systemic barriers that Indigenous Peoples and members of the equity-seeking groups face in the labour market include:

- Staffing through personal networks. This process could prevent individuals from Indigenous communities and the equity-seeking groups from hearing about and applying for job vacancies, and
- Informal mentoring and networking that support the advancement of members of some groups and put Indigenous employees and employees from the equity-seeking groups at a disadvantage.

**Cultural Barriers**

Barriers can also be created by an organizational culture that isolates and alienates Indigenous Peoples and members of the equity-seeking groups, sometimes unknowingly, and one in which stereotypes and preconceived notions about these groups persist and inform decision making. This could then confirm pre-existing biases and ultimately reinforce the underrepresentation of these groups in the organization.

Cultural barriers can also be systemic in that they may be embedded into the practices of the organization. In addition, they can influence and be influenced by the individual attitudes of employees and leaders within the organization.

Examples of cultural barriers that Indigenous Peoples and members of the equity-seeking groups face in the labour market include:

- An unwelcoming working environment that excludes or undermines their success, and
- Assumptions that permeate the organization about what certain groups of people can and cannot do and which occupations they are best suited for.

**Attitudinal Barriers**

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

Examples of attitudinal barriers that Indigenous Peoples and members of the equity-seeking groups face in the labour market include:

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- Not hiring a young woman for a job because of assumptions that she may get pregnant and go on maternity leave shortly after being hired<sup>22</sup>
- Removing résumés or applications from individuals with “ethnic” or Indigenous-sounding names because of stereotypes about these groups, or assumptions about their English-language ability or social skills,<sup>23</sup> and
- Not hiring a candidate with a disability because of discomfort interacting with persons with disabilities or assumptions that accommodation may be too costly.<sup>24</sup>

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.

### **3.3 The benefits of workplace equity, diversity, and inclusion**

The argument for workplace EDI has gone beyond the moral argument that it is the “right thing to do.” 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, including:

**Increased student success and well-being.**<sup>25</sup> A diverse workforce helps Lambton understand and respond to the needs of an increasingly diverse student population in three areas:

- At the *strategy level*, where strategic decisions about policies and programs are made

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<sup>22</sup> See for example: The Guardian. (2014, August 12). *40% of managers avoid hiring younger women to get around maternity leave*. <https://www.theguardian.com/money/2014/aug/12/managers-avoid-hiring-younger-women-maternity-leave>

<sup>23</sup> See for example: Oreopoulos, P., & Dechief, D. (2012, February). *Why do some employers prefer to interview Matthew, but not Samir? New Evidence from Toronto, Montreal, and Vancouver*. Canadian Labour Market and Skills Researcher Network. Working Paper No. 95. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2018047](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2018047)

<sup>24</sup> See for example: Kaye, H., Jones, E., & Jans, L. (2010). *Why employers don’t hire people with disabilities: Research findings and policy implications*. Disability and Health Journal, 3. <https://doi.org/10.1016/j.dhjo.2009.08.086>

<sup>25</sup> See for example:

Cherng, H. S., & Halpin, P. F. (2016). *The importance of minority teachers: Student perceptions of minority versus white teachers*. Educational Researcher, 45(7), 407–420. <https://doi.org/10.3102%2F0013189X16671718>

Gershenson, S., Hart, C. M. D., Lindsay, C. A., & Papageorge, N. W. (2017, March). *The long-run impact of same-race teachers*. IZA Institute of Labor Economics. <https://www.iza.org/publications/dp/10630/the-long-run-impacts-of-same-race-teachers>

Stuart Wells, A., Fox, L., & Cordova-Cobo, D. (2016, February 9). *How racially diverse schools and classrooms can benefit all students*. The Century Foundation. <https://tcf.org/content/report/how-rationally-diverse-schools-and-classrooms-can-benefit-all-students/>

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- At the *design level*, where decisions about the design and deliver of programs, services, and curriculum, as well as instructional practice are made, and
- At the *service level*, which is the point of contact between the College and students, in the classroom and on campus.

In addition, the research shows that student success and outcomes such as well-being, academic achievement, and attendance are improved when colleges develop more inclusive and responsive policies, programs, and practices, and when students see themselves reflected in the curriculum and their college environments.

**Strengthened confidence in public education.** College employees that reflect, understand, and are responsive to the needs of students also help to improve confidence in publicly funded post-secondary education. An equitable and inclusive education system is recognized internationally as critical to delivering a high-quality education for all learners.<sup>26</sup>

**Strengthened employee relations and confidence in Lambton College as an employer of choice.** Formalized non-discriminatory and inclusive employment policies and practices, increased transparency, and consistency of human resources practices also strengthen employees' confidence that they are being treated in a fair and equitable manner. These practices, along with a welcoming and inclusive work environment, help to improve employee morale and loyalty and reduce complaints, grievances, and turnover.

Employers that are known to have a commitment to EDI are also more likely to be positively regarded by the public in general and by prospective employees in particular. This positive corporate image then increases the organization's ability to attract and retain high-calibre employees from diverse communities, backgrounds, and identities.

**Improved employee job satisfaction and productivity.**<sup>27</sup> 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.

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<sup>26</sup> United Nations Educational, Scientific and Cultural Organization. (2008). *Inclusive education: The way of the future*. UNESCO International Conference on Education, November 25–28, 2008. Geneva: Author.  
[http://www.ibe.unesco.org/fileadmin/user\\_upload/Policy\\_Dialogue/48th\\_ICE/CONFINTED\\_48-3\\_English.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Policy_Dialogue/48th_ICE/CONFINTED_48-3_English.pdf)

<sup>27</sup> Stazyk, E. C., Davis, R. S., & Liang, J. (2012). *Examining the links between workforce diversity, organizational goal clarity, and job satisfaction*. Prepared for the 2012 Annual Meeting and Exhibition of the American Political Science Association, New Orleans, LA (August 30 – September 2, 2012).

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**Increased creativity and innovation.**<sup>28</sup> Organizations that encourage and support workplace EDI are better able to attract and retain top talent from diverse backgrounds, communities, and identities. This increases the diversity of perspectives, approaches, knowledge, and skills within the organization, which can then boost the organization's creativity, innovation, and overall success.

## **4. Methodology**

### **4.1 Inclusivity Assessment Framework**

When conducting this work, the research team relied on the Canadian Human Rights Commission's "Framework for Compliance with the *Employment Equity Act*," as this document outlines the legal framework and assessment factors related to the Inclusivity Assessment, as well as the general approach to be taken by employers.<sup>29</sup> This framework identifies the importance of reviewing each employment policy, practice, and system as well as the corporate culture and work environment to determine whether they present a barrier to prospective and existing Indigenous employees and employees from the equity-seeking groups.

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

- **Legal compliance:** to ensure compliance with equity-related legislation such as the *Ontario Human Rights Code*, *Occupational Health and Safety Act*, and *Accessibility for Ontarians with Disabilities Act*
- **Consistency:** to ensure policies and accompanying procedures are applied in a consistent manner throughout the organization
- **Job relatedness:** to ensure requirements clearly demonstrate a bona fide occupational requirement, are objective, and constitute a business necessity
- **Validity:** to determine whether they are objective and accurately predict job performance

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<sup>28</sup> See for example:

McKinsey & Company. (2015). *Women in the workplace*. <https://womenintheworkplace.com/>

Reynolds, A., & Lewis, D. (2017, March 30). Teams solve problems faster when they're more cognitively diverse. *Harvard Business Review*. <https://hbr.org/2017/03/teams-solve-problems-faster-when-theyre-more-cognitively-diverse>

Rigger, D. (2018, March 12). *How a diverse workforce can be your competitive advantage*. Human Resources Director Australia. [www.hcamag.com/opinion/how-a-diverse-workforce-can-be-your-competitive-advantage-247585.aspx](http://www.hcamag.com/opinion/how-a-diverse-workforce-can-be-your-competitive-advantage-247585.aspx)

<sup>29</sup> Canadian Human Rights Commission. (2002, December). *Employment Systems Review: Guide to the audit process*. [http://publications.gc.ca/collections/collection\\_2007/chrc-ccdp/HR4-3-2002E.pdf](http://publications.gc.ca/collections/collection_2007/chrc-ccdp/HR4-3-2002E.pdf)

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- **Adverse impact:** to assess whether they have a disproportionately negative effect on Indigenous employees and employees from the equity-seeking groups
- **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 in all aspects of employment and provide the accommodation needed by employees, and
- **Inclusive:** to assess whether policies and practices are inclusive of all employees, including those who identify as Indigenous or belonging to the equity-seeking groups.

This review also explored whether the organization lacks policies or practices that would support the creation of more equitable hiring and promotion practices, greater workforce diversity reflective of the community served, and a more inclusive organizational culture. Gaps in the College's policy framework are identified.

## **4.2 Data collection methods**

A number of methods were used to collect data for this Inclusivity Assessment, including:

### ***Document review***

Human resources policies, written procedures, and other related documents were reviewed to identify potential barriers in employment policies as well as barriers created by the manner in which these policies are implemented.

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

### ***Consultations with employees***

Consultations with employees were conducted through various methods and offered all employees multiple opportunities to provide input into this Inclusivity Assessment. A total of 261 individuals participated in these consultations, representing about 33% of the Lambton College workforce of approximately 800 people.

***Employee Inclusivity Survey:*** The link to the online survey was distributed to all employees by email. The survey was open from October 18 to December 23, 2021. The voluntary and anonymous survey asked employees to share their perspectives and experiences of working at Lambton. In total, 210 employees completed the survey by the cut-off date.

***Focus groups:*** Twelve virtual focus groups were scheduled in October and November 2021 to allow employees to provide input into this Inclusivity Assessment. Emails were distributed to all College employees asking them to register directly with the consultant to participate in the focus groups.

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Separate focus groups were held for employees (staff and faculty) and managers for the following groups: Indigenous Peoples, racialized people, 2SLGBTQ+ people, persons with disabilities, as well as women and men who don't belong to any of these groups.

The discussions covered various aspects of employment practices and the working environment, what impact they might have on employees, barriers created by the organizational culture and individual attitudes, and strategies to remove these barriers.

In total, 28 employees participated in the focus groups.

**Internal stakeholders:** Focus groups were also held with Human Resources staff, and telephone interviews were conducted with union presidents. Telephone interviews were also conducted with various internal stakeholders, including Human Resources managers, Manager Indigenous Student Centre, the SAC president, and others.

**External stakeholders:** Focus groups and interviews were held with the Lambton College Board of Governors, Foundation Board of Directors, as well as municipal leaders.

**Senior leader interviews:** In addition, all members of the College Leadership Team were interviewed. These interviews gave the consultants the opportunity to further explore workplace EDI issues and to identify the key challenges the organization will face in implementing the recommendations from this review.

Information from the focus groups and interviews is used to inform the understanding of issues, and in some cases is summarized in this report. To maintain confidentiality and protect the privacy of the employees who participated in the focus groups and survey, no names or identifying information are included in this report.



## PART B: FINDINGS & RECOMMENDATIONS

This section summarizes the findings from the review of policies, practices, and relevant human resources documents, from the review of competition files, as well as from consultations with employees.

In each section, we provide:

- A summary of the findings and any conclusions drawn, and
- Recommendations to remove the barriers and address the issues identified.

### 5. Policy and Document Review

This section summarizes our review of the College's employment policies, procedures, and related documents. It includes a summary of the document and identifies issues and areas of concern, if any. We make recommendations to strengthen the policy or procedure so that it complies with equity-related legislation, meets the College's duty of care as an employer, and advances workplace EDI. We also address overarching concerns and identify any gaps in the College's policy framework.

While all employment policies were reviewed, only the policies relevant to this Inclusivity Assessment, and those with which we have identified issues are included below.

It is important to also note that some of the policies reviewed apply to both employees and students. These policies are therefore included in both reports, but the focus of analysis for this report is on how they apply to employees.

The list of documents reviewed is included in Appendix A.

#### 5.1 Policy development, revision, and publication

##### Policy Development Revision and Publication Policy

This policy defines the College's policy framework and the policy development and review process. It delineates the responsibility of the policy sponsor to oversee the development or review of the policy, seek consultation from relevant members of the College community, and seek approval of the policy.

The policy requires that each College policy be formally reviewed at least every 5 years. However, some policies include an issue date far beyond 5 years and don't appear to have been reviewed or updated since that time.

The policy development and review process does not require that an equity lens be applied to ensure that the policy supports EDI or complies with equity-related legislation, nor does

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it assess the policy's impact on Indigenous Peoples and members of the equity-seeking groups.

**Recommendation 1:** It is recommended that the Policy Development Revision and Publication Policy be revised to specify the need to develop and review policies through an equity lens to ensure that the policy supports EDI and complies with equity-related legislation, and to assess the policy's impact on Indigenous Peoples and members of the equity-seeking groups.

## **5.2 Recruitment and appointment procedures**

### **Recruitment and Selection Policy**

Through this policy, the College:

...recognizes the challenges and value of achieving a diverse workforce that can effectively meet the changing needs of the students and communities it serves. In the recruitment and selection of all employees, Lambton College is committed to hiring the best qualified person available for each position.

The policy states that the College provides equal opportunity in employment, encourages fair and open competition, and provides procedures that "are intended to maximize employee diversity and productivity and maintain compliance with Collective Agreements and the *Human Rights Code*". The policy does not address the need for the College to comply with the *Accessibility for Ontarians with Disabilities Act (AODA)* when hiring.

The policy states the need to ensure that job qualifications do not include barriers and that they are bona fide. It also requires that all external advertisements include the following statements:

"Lambton College is Committed to Employment Equity" and,

"We thank all applicants for their interest and wish to advise that only those candidates who are short-listed for an interview will be contacted."

In our review of job ads, we note that the equity statement included on job ads has been updated, but is not reflected in this policy.

The College provides a one-day grace for the receipt of applications after the closing date. However, the College also gives hiring managers the discretion to accept late applications beyond the one day, as long as it is prior to the development of a shortlist. This discretion adds subjectivity to the process, which may give preference to those with previous connections to the College and may put Indigenous Peoples and members of the equity-seeking groups at a disadvantage.

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The hiring manager has the responsibility of reviewing the applications in order to develop the shortlist of the candidates to invite for an interview. If they prefer, the hiring manager can ask Human Resources to conduct the initial screening. The policy states that applicants should be assessed against the skills, knowledge, and abilities outlined in the search criteria and that this assessment should be recorded on a checklist to rank the applicants.

The policy states that employment equity must be a key factor in screening applicants for interviews and in actual hiring decisions. It also notes that “where more than one candidate can perform the job requirements equally well, the Selection Committee shall make its recommendation based on the College’s commitment to a workforce that is representative of the College’s diverse community”. However, neither the policy nor the hiring process includes a mechanism by which the College would know whether a candidate is Indigenous or from an equity-seeking group.

The policy also specifies the selection process, which includes the following requirements:

- Selection committees of no fewer than 3 people and no more than 6 are required for every competition, and must include an HR representative
- Selection committee members are responsible for identifying if a potential conflict of interest exists and to step down if there is one
- Assess tools in addition to an interview that may include an “active learning” teaching lesson or presentation, computer skills tests, problem solving exercises, budgetary problem solving, and leadership exercise
- The use of standard, mandatory questions that are asked of most positions, e.g., customer service, teamwork, computer literacy, etc.
- Greeting of interview candidates, including the expectation of greeting them and shaking hands, and
- The process to identify the preferred candidate.

The policy states that questions related to a candidate’s race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or handicap are prohibited. It does not include the human rights protected grounds of gender identity and gender expression.

The policy requires that all interview packages, including any notes taken, be collected by Human Resources and kept on file for a minimum of 1 year.

The policy also recognizes that “it may not always be practical to follow all of the above procedures when filling non full-time vacancies... When the above procedures cannot be followed, at the very least an informal interview must be conducted between the Hiring

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Manager and the candidate and all documentation of that interview must be sent to HR for retention.”

This policy also identifies the responsibility of the hiring manager to complete the orientation of the new employee, and for the Orientation Checklist to be completed and returned to the Human Resources Department within 1 month of hiring the new employee.

This policy can be strengthened by:

- Requiring that hiring managers include diversity (including gender) on the interview panel, where possible, to reflect the College community and reduce unconscious bias
- Provide printed questions to all candidates at in-person interviews and post them in the chat when interviewing candidates virtually, and
- Specifying the need to take verbatim notes of each candidate’s responses to the questions and to score each candidate’s response to each question.

While the College has a duty under the Employment Standards of the AODA, this policy fails to specify the need to notify applicants that accommodation will be provided during the recruitment and selection process, and the legal obligation to provide the accommodation and also ensure that the candidate’s need for accommodation is not considered in the decision-making process. In addition, when an offer of employment is made, the successful candidates is to be made aware of the College’s policies for accommodating persons with disabilities and who they can contact should they wish to request an accommodation.

This policy could also be updated to include the new reality of conducting interviews virtually.

**Recommendation 2:** It is recommended that the Recruitment and Selection Policy be revised to:

- Update the equity statement to be included on each job ad
- Ask candidates to self-identify in their cover letter so that hiring managers can use this information in the screening process
- Include the need to include an accommodation statement on each job ad
- Require that hiring managers include diversity (including gender) on the interview panel, where possible, to reflect the College community and reduce unconscious bias
- Provide printed questions to all candidates at in-person interviews and post them in the chat when interviewing candidates virtually
- Specify the need to take verbatim notes of each candidate’s responses to the questions and to score each candidate’s response to each question

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- Remove the option allowing the hiring manager to accept late applications at their discretion
- Remove the requirement to greet people with a handshake, and
- Comply with the requirements included in the AODA Employment Standards.

**Reference Check Form**

The Recruitment and Selection Policy requires that references be checked for the candidate chosen to fill the position, using a standard Reference Check Form. The Reference Check Form includes questions such as:

- Please comment on his/her attendance/punctuality while employed by/with you?
- What is his/her passion?
- What kind of leadership qualities do you think he/she has? Examples?
- When and how have you seen him/her cope in crisis, pressure or stressful situations?
- Please rate and comment on (candidate's name) organization/planning skills on a scale of 1 to 5 with 5 being the highest?

Asking the referee to assess the candidate's "passion" inserts a subjective element into the reference, as passion is expressed differently by individuals. In many cases, its expression is culturally determined.

The reference check questions do not include questions about the candidate's ability to lead a diverse team, work with colleagues from diverse backgrounds, or teach and/or support students from diverse backgrounds.

**Recommendation 3:** It is recommended that the Reference Check Form remove the question related to the candidate's passion, and that it ask about the candidate's ability to lead, work with, or teach/support staff and students from diverse backgrounds, specific to the roles and responsibilities of the job.

**Required Background Check Policy**

This policy supports the College's "duty to provide for a safe and secure learning and working environment, a duty to protect its assets and information from loss, theft and misuse, a duty to protect its students and clients from undue risk, and an interest in upholding its reputation as a responsible public sector employer and institution." The College therefore includes background checks where the nature of or context of assignments and duties may require it.

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A background check is defined as referring generally to any or all of the following: Criminal Records Check; a Criminal Record and Judicial Matters Check; and a Vulnerable Sector Check.

The Senior Manager is responsible for determining whether or not there is a requirement for a background check, and the type needed. The Human Resources Department is responsible for maintaining a list of staff and faculty members who have met the requirement of submitting a background check.

The policy requires that job descriptions and any advertisement of the position to include the following statement:

In accordance with the Lambton College Required Background Check policy, this position requires that individuals provide, at their own cost, the appropriate background check as a condition of employment. The college reserves the discretion to determine if and how it addresses any adverse information in a background check report.

However, while the policy gives the College the discretion to determine if and how it considers adverse information in the background check, it provides no guidance on what information is to be considered, such as the following:

- The circumstances of the conviction and the particulars of the offence involved including disposition
- Extenuating circumstances
- How long ago the incidents leading to the conviction occurred
- Whether there are other convictions, and
- Whether they have applied for a record suspension

The policy also fails to indicate that a background check must be a bona fide job requirement. The Ontario Human Rights Commission states that if the organization wants a police records check as part of its hiring process, it must be prepared to justify the decision using “the test set out by the Supreme Court of Canada for assessing whether a policy, practice, or requirement is reasonable and *bona fide*.”<sup>30</sup> The Ontario Human Rights Commission states:

Because of the potential for an adverse human rights impact, police background checks should only be requested of individuals where it is a reasonable and *bona*

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<sup>30</sup> Ontario Human Rights Commission. <http://www.ohrc.on.ca/en/iv-human-rights-issues-all-stages-employment/6-requesting-job-related-sensitive-information>

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*fide* requirement because of the job or volunteer position being applied for. While an organization may prefer to have as much information as possible about someone, human rights concerns prevail.<sup>31</sup>

Moreover, the need for a clear police record check could create barriers to transgender, Black, and Indigenous staff in particular, as they disproportionately have encounters with police because of racial profiling;<sup>32</sup> face transphobia and racism in the criminal justice system,<sup>33</sup> resulting in criminal convictions for minor offenses and/or survival-based crimes (e.g., trespassing); and face structural racism and oppression, which places them at risk of criminalization.

**Recommendation 4:** It is recommended that the Required Background Check Policy specify that a background check should be a bona fide job requirement and provide a process to consider a positive criminal record.

**Recommendation 5:** It is recommended that the Human Resources Department ensure that background checks, including police records checks, are conducted for newly hired staff only when it is a bona fide job requirement.

**Recommendation 6:** It is recommended that information be included on each job ad if the position requires a police records check and that information be included on Lambton's website stating that a criminal record is not in itself a barrier to hiring. Instead, the information should state that if a qualified candidate has a criminal record, Human Resources will consider the nature, date, and extent of the criminal record to assess whether the candidate is suitable for the position. This section of the website can also state Lambton's acknowledgement that the criminal justice system historically and presently perpetuates injustices and barriers for specific groups, and that the College will keep this inequity in mind when assessing candidates.

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<sup>31</sup> Ibid.

<sup>32</sup> See: Ontario Human Rights Commission. (2003, October 21). *Paying the price: The human cost of racial profiling*. <http://www.ohrc.on.ca/en/paying-price-human-cost-racial-profiling>

<sup>33</sup> See: Government of Ontario. (1995). *Report of the Commission on Systemic Racism in the Ontario Criminal Justice System*. <http://www.ontla.on.ca/library/repository/mon/25005/185733.pdf>; Rankin, J., Winsa, P., & Ng, H. (2013, March 4). Unequal justice: Aboriginal and black inmates disproportionately fill Ontario jails. *Toronto Star*. [https://www.thestar.com/news/insight/2013/03/01/unequal\\_justice\\_aboriginal\\_and\\_black\\_inmates\\_disproportionately\\_fill\\_ontario\\_jails.html](https://www.thestar.com/news/insight/2013/03/01/unequal_justice_aboriginal_and_black_inmates_disproportionately_fill_ontario_jails.html)

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### **Employee Credentials Policy**

This policy specifies the minimum qualifications required of new faculty. It also includes the requirements for the credentials to be provided and verified before employment begins, and requires that:

- The hiring manager verify all credentials
- Credentials issued from institutions outside of Canada be evaluated for equivalencies with Canadian credentials, and
- Academic credentials be provided directly to the College by the awarding institution.

This policy does not account for refugees, and others, who may not be able to have their academic credentials sent directly to the College by the awarding institution. While many newcomers and refugees have been successful in obtaining their official documentation from their home institutions, either through their own efforts or through embassies, there are some cases where accommodation may be needed. In 2007, the Ontario Superior Court ruled that the Ontario College of Teachers had violated the province's *Human Rights Code* by requiring an Iranian refugee to provide original documents to prove her teaching qualifications. The person, who taught in Iran for 16 years before fleeing to Canada, feared that the Iranian government might harm her relatives in Iran were she to request the documents. The court ruling stated that:<sup>34</sup>

It is plain and obvious to me that to insist on original, or government certified documents from her place of origin, is prima facie discriminatory against her, in view of the evidence she has provided... The obligation was upon the [Registration Appeals] Committee to provide individual accommodation, unless it could establish that accommodation was impossible without imposing undue hardship on the College.

**Recommendation 7:** It is recommended that the Employee Credential Policy be updated to address the need to accommodate refugees and others who may not be able to have the issuing institution provide an official record of their educational credentials.

## **5.3 Terms of Employment**

### **Performance Evaluation Policy**

The Performance Evaluation Policy states that "Lambton College is committed to excellent teaching and learning and the provision of excellent service to achieve the values and standards outlined in the College's Strategic Plan."

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<https://www.teachers.ab.ca/News%20Room/ata%20news/Volume%2041/Number%2011/In%20the%20News/Pages/Iranian%20refugee%20wins%20bid%20to%20have%20teaching%20credentials%20assessed.aspx>



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The policy provides the following:

- A forum for open discussion of employee strengths and identification of areas where improvement is required
- An opportunity to identify and encourage ongoing personal and professional development
- An opportunity for the employee and supervisor to set mutual objectives concerning employee performance, and
- Recognition of the importance of the employee's contribution to institutional success.

No issues were found with this policy.

### **Return to Work Policy**

This policy commits the College to supporting employees who have been absent from work due to illness, injury, or disability and requires accommodation in order to return to work in a timely manner. The process includes the development of a return to work plan to ensure a successful reintegration of the employee. The return to work plan must be approved by the treating health care practitioner and the College before implementation.

The policy requires that the Return to Work Program be reviewed on an annual basis, but does not include any information on how that review will take place.

**Recommendation 8:** It is recommended that the Return to Work Policy provide additional details on the annual review of the program, and state that the review will include feedback from employees and supervisors who have participated in the process, unions, and return to work representatives.

## **5.4 Safety**

### **College Occupational Health and Safety Policy**

This policy recognizes the College's legal and moral responsibilities to provide a safe and healthy work and educational environment for all employees and students. It commits the College to establishing a Joint Occupational Health and Safety Committee and to working with the committee to identify and address safety programs and training.

No issues were found with this policy.

### **Reporting of Injury and Illness Policy**

The Reporting of Injury and Illness Policy commits the College to providing a safe workplace for its employees, students, contractors, and members of the public. It requires the prompt reporting and investigation of all accidents and incidents that cause injury to any person while they are on College property or participating in a College activity.

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No issues were found with this policy.

**Assessing and Addressing Violence Policy**

This policy addresses the College's duty to address workplace violence or any situation that places a member of the College community in a position that may jeopardize their personal safety on College property or during any College activity.

The policy outlines the College's commitment to:

- Assessing and reassessing the risks of workplace violence that may arise from the nature of the workplace
- Ensuring measures and procedures for summoning immediate assistance when an act of workplace violence occurs or is likely to occur
- Ensuring measures and procedures are in place for reporting incidents of workplace violence
- Investigating and dealing with incidents or complaints of workplace violence quickly, fairly, and effectively
- Taking every reasonable precaution to protect the worker if domestic violence would likely expose an employee to physical injury in the workplace, and
- Providing information and instruction regarding workplace violence.

The policy addresses the need to maintain the confidentiality of personal information and identifies the limits of confidentiality. It also identifies that disciplinary action may be taken against those who engage in workplace violence.

The policy specifies the responsibility of the Human Resources Department or their designate to investigate the complaint and provide the complainant with a report of their investigation within 2 weeks of receiving the initial complaint.

Bill 168 came into effect in 2009 and amended the *Occupational Health and Safety Act* to address workplace violence and harassment. While the College's Assessing and Addressing Violence Policy meets some of the requirements of the Bill, it does not fully comply with Bill 168 because it fails to:

- Address the requirement to review the policy as often as is necessary, but at least annually
- Require that the policy be posted in a conspicuous place in the workplace, and
- Set out how incidents or complaints of workplace violence are to be investigated.

**Recommendation 9:** It is recommended that the Assessing and Addressing Violence Policy be updated to ensure full compliance with Bill 168, and that procedures be developed to support the policy's implementation.

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**Sexual Assault and Sexual Violence Policy and Protocol**

In 2015, the Ontario government passed the *Sexual Violence and Harassment Action Plan (Supporting Survivors and Challenging Sexual Violence and Harassment) Act*, which requires colleges and universities to develop a sexual violence policy. This legislation also creates specific duties for all employers to develop policies and procedures to prevent sexual harassment in the workplace, including a duty to investigate incidents and complaints.

The Sexual Assault and Sexual Violence Policy and Protocol commits the College to confronting and preventing sexual violence and to supporting members of the College community affected by sexual assault. The policy states that sexual violence is unacceptable and will not be tolerated at Lambton College. It commits the College to confronting and preventing sexual violence and creating a safe space for anyone in the College community who has been affected by sexual violence. It commits the College to not only responding to acts of sexual violence when reported, but also engaging in public education and prevention activities.

The policy:

- Outlines that sexual violence can be experienced by individuals no matter their sexual orientation, gender, gender identity, or relationship status
- Describes interim measures for safety, the right to withdraw a complaint and protection from reprisals, retaliation, or threats
- States that complaints found to be frivolous, vexatious, or made in bad faith will be subject to discipline
- States that the complainant is the final decision maker about their own best interests and may choose not to make proceed with a complaint or to make a report to the police, and
- Dispels myths and misconceptions about sexual violence.

While this policy is strong, it can be strengthened by:

- Specifying the rights of the complainant and respondent in the investigation process
- Including sexual assault services for Indigenous, 2SLGBTQ+, and racialized people on the list of available services, and
- Requiring the College to analyze the data on the number of reported incidents of sexual violence in order to identify trends and any further proactive measures that may be needed.

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**Recommendation 10:** It is recommended that the Sexual Assault and Sexual Violence Policy and Protocol be revised to:

- Specify the rights of the complainant and respondent in the investigation process
- Include sexual assault services for Indigenous, 2SLGBTQ+, and racialized people on the list of available services
- Require the College to analyze the data on the number of reported incidents of sexual violence in order to identify trends and any further proactive measures that may be needed.

**COVID-19 Vaccination Policy**

This policy is designed to prioritize a safe and healthy place in which to work, teach, study, and conduct research. It applies to all members of the College community, as it specifies the conditions under which individuals will be permitted to enter the College campus. The policy specifies that:

- Individuals are required to be fully vaccinated as a condition to enter the campus for any reason
- On-campus activities will align with federal, provincial, and public health regulations and guidance related to the COVID-19 pandemic, and
- Individuals wishing to enter the campus must submit proof of vaccination.

The Ontario Human Rights Commission has issued a policy statement on COVID-19 vaccine mandates, which states the following:<sup>35</sup>

While receiving a COVID-19 vaccine remains voluntary, the OHRC takes the position that mandating and requiring proof of vaccination to protect people at work or when receiving services is generally permissible under the *Human Rights Code (Code)* as long as protections are put in place to make sure people who are unable to be vaccinated for *Code*-related reasons are reasonably accommodated.

Upholding individual human rights while trying to collectively protect the general public has been a challenge throughout the pandemic. Organizations must attempt to balance the rights of people who have not been vaccinated due to a *Code*-protected ground, such as disability, while ensuring individual and collective rights to health and safety.

The policy statement goes on to address personal preferences and singular beliefs:

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<sup>35</sup> [https://www.ohrc.on.ca/en/news\\_centre/ohrc-policy-statement-covid-19-vaccine-mandates-and-proof-vaccine-certificates](https://www.ohrc.on.ca/en/news_centre/ohrc-policy-statement-covid-19-vaccine-mandates-and-proof-vaccine-certificates)

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Receiving a COVID-19 vaccine is voluntary. At the same time, the OHRC's position is that a person who chooses not to be vaccinated based on personal preference does not have the right to accommodation under the Code. The OHRC is not aware of any tribunal or court decision that found a singular belief against vaccinations or masks amounted to a creed within the meaning of the Code.

While the Code prohibits discrimination based on creed, personal preferences or singular beliefs do not amount to a creed for the purposes of the Code.

Even if a person could show they were denied a service or employment because of a creed-based belief against vaccinations, the duty to accommodate does not necessarily require they be exempted from vaccine mandates, certification or COVID testing requirements. The duty to accommodate can be limited if it would significantly compromise health and safety amounting to undue hardship – such as during a pandemic.

The College's policy addresses the need to provide accommodations based on human rights grounds, saying:

Lambton will consider exemptions on an individual basis received from students, employees, and long-term contractors relating to medical grounds and/or because of their creed/religion. Approved exemptions based on these grounds will be accommodated up to the point of undue hardship. However, such accommodation may be provided through measures other than being granted access to campus.

The College also makes available a document with frequently asked questions that addresses questions such as:

- Why is Lambton making COVID-19 vaccination a condition of being on campus in fall 2021?
- How will I show proof that I am vaccinated?
- I want to request a medical and/or creed/religious exemption. What steps do I take?
- Will masks and physical distancing be required on campus in fall 2021?
- I have not been vaccinated but would like to be. What do I do?

No issues were found with this policy.

## **5.5 General Administration**

### **Free Speech Policy**

Institutions had until January 1, 2019 to develop, implement, and comply with a free speech policy that meets a minimum standard prescribed by the provincial government with progress to be monitored by the Higher Education Quality Council of Ontario. Universities and colleges that fail to comply may be subject to a reduction in operating grant funding.

Lambton College's Free Speech Policy, which defines freedom of expression as "the right to speak, write, listen, challenge and learn," states that freedom of expression "must be protected as it is essential to discovery, critical assessment and the effective dissemination of knowledge and ideas and leads to social and economic advancement." It goes on to state:

Colleges must be places that allow for open discussion and free inquiry where diverse voices can be heard and ideas and viewpoints can be explored and discussed freely and debated openly without fear of reprisal, even if these are considered to be controversial or conflict with the views of some members of the college community. Although colleges greatly value civility and all members of colleges share responsibility for maintaining a climate of mutual respect, it is not the role of colleges to shield members of the college community from ideas and opinions that they may find disagreeable or offensive. It is up to individuals and not colleges to make such judgments for themselves and to debate and challenge ideas that they find unacceptable.

It states that while members of the College community are free to criticize and contest the views of others, they may not obstruct or interfere with the freedom of others to express their views.

The policy also recognizes the limits of free speech:

Speech that violates the law, including the Ontario *Human Rights Code*, is not allowed. Speech that constitutes harassment, a threat or hate speech is not allowed. Other context-specific boundaries to freedom of expression may also apply, such as those arising out of the terms of employment and collective agreements.

No issues were found with this policy.

### **Respectful College Community Policy**

This policy commits the College to providing a safe and respectful community environment for employees, students, members of the Board of Governors, members of committees, contractors, clients, visitors, and guests. It "recognizes and confirms the right of every

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member of the College community to teach, learn and work in a safe and respectful environment free of harassment and discrimination.”

The policy also:

- Addresses all conduct, “including but not limited to, on-campus conduct, off-campus conduct and internet-based conduct that engages the College’s duty to provide a safe and harassment-free College community”
- Requires each member of the college community to behave in a safe and respectful manner that contributes to a community that is free of harassment, bullying, and discrimination, in an environment of understanding and mutual respect for the dignity and rights of each individual
- States that employees who believe that they have experienced or witnessed harassment, discrimination, or bullying are to contact their supervisor or the Human Resources Department or, in the case of an alleged student perpetrator, the Registrar
- Commits the College to considering all complaints whether made informally or formally to ensure that they are resolved quickly, confidentially, and fairly
- States that it does not prevent or limit a complainant from contacting the Human Rights Tribunal of Ontario, and
- Identifies vexatious or bad faith allegations and reprisals as violations of the policy and states that those who make a false complaint or engage in reprisal will be subject to discipline.

The policy includes an internal resolution process that allows the complainant or respondent to be accompanied by a support person who may be a coworker, friend, union representative, or a representative from the Student Administrative Council. The process for employees includes an informal complaint process, mediation, and a formal complaint process.

This policy was compared to the Ontario Human Rights Commission’s guidelines for anti-harassment and anti-discrimination policies.<sup>36</sup> This review found that the policy could be strengthened by addressing the following:

- Committing the College to providing training and education to make sure everyone knows their rights and responsibilities
- Specifying the rights of the complainant and respondent in the investigation process

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<sup>36</sup> <https://www.ohrc.on.ca/en/policy-primer-guide-developing-human-rights-policies-and-procedures/5-anti-harassment-and-anti-discrimination-policies>

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- Requiring the College to analyze the data on the number of reported complaints, how they were resolved, as well as the grounds and types of complaints in order to identify trends and any further proactive measures that may be needed, and
- Defining sexual and gender-based harassment and condonation, and including them as violations of the policy.

**Recommendation 11:** It is recommended that the Respectful College Community Policy be revised to address the identified issues and ensure full compliance with the Ontario Human Rights Commission’s guidelines for anti-harassment and anti-discrimination policies.

**Conflict of Interest Policy**

The Conflict of Interest Policy establishes rules of ethical conduct that are applicable to College employees and certain former Designated College employees. It is intended to assist College employees with avoiding placing themselves in a conflict of interest.

The fundamental tenet of this policy is that members of the College community should, of their own volition, disclose situations that give rise to a real, potential, or perceived conflict of interest, including conflicts arising from personal, family or friends' interests or a relationship (which would include a romantic interest, sexual relationship, family relationship, or a business or financial relationship). It addresses conflicts of interest in employment, stating that:

An employee may not be in a position, or engage in activities that would allow or cause an employee, to determine or have influence over the hiring or continuing employment or performance evaluation of an individual with whom the employee has a relationship.

No issues were found with this policy.

**Fit for Duty Policy**

This policy addresses the need for action when an employee’s performance and/or safety is being adversely affected by the misuse alcohol, cannabis, or other substances. It recognizes the College’s obligation under the Ontario *Human Rights Code* to accommodate an employee who is affected by misuse of these substances:

The College will provide assistance, up to the point of undue hardship, in the treatment and rehabilitation of employees whose unsatisfactory performance or improper conduct can be attributed to disability, including addiction. Identifying, addressing and treating the substance abuse of an employee is not intended as a disciplinary process. The objective is to eliminate the negative impacts of substance abuse on the employee and on the employee's relationship with the College.



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No issues were found with this policy.

**Supporting Transgender and Transitioning College Community Members Policy**

This policy applies to all members of the College community and supports the College's responsibility to ensure that transgender employees and students enjoy an environment free from harassment and discrimination. It commits the College to:

- Taking reasonable steps and measures to be supportive, understanding, respectful, responsive, and accommodating of those who have gone through, who plan to, or who go through gender transition, or are otherwise developing their gender identity or gender expression while at the College, and
- Taking every reasonable step to ensure that its learning, working and living environment is maintained consistent with the Respectful College Community Policy.

The policy states that making a vexatious or bad faith complaint, or taking reprisal against someone who has made a complaint or cooperated in an investigation will be subject to disciplinary action.

The policy also:

- States that disclosing the "gender information or transgender status or intention of an individual outside of the grounds permitted under law and policy is a breach of confidentiality and will be treated by the College as such, including associated disciplinary measures"
- States that self-identification is the sole and whole measure of a person's gender
- Allows for a change of personal information on record with the College
- States the expectation that all members of the College community use gender-inclusive language
- Commits the College to ensuring the availability of safe, appropriate washrooms including all-gender washrooms at every campus and that all members of the College community are able to use segregated washroom facilities consistent with their lived gender
- Addresses dress and grooming, and
- States that forms will not have exclusively binary gender options.

While this policy supports transgender members of the College community, it fails to acknowledge that there are many reasons why a person may choose to use a name that is different from their legal name. While a specified name may reflect their gender identity, it may also reflect a nickname they have grown up with, a shortened version of their name, a Canadianized name, or their desire to distinguish themselves from someone with a similar

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name. As such, a stand alone Specified Name and Pronouns Policy may better address this issue. In addition, it would not subsume people who identify as genderqueer, gender non-binary, or gender non-conforming under the umbrella of transgender and thus give the impression that these individuals are in the process of transitioning.

Lambton could also encourage staff to include their pronouns in their email signatures. Providing education to employees is also important, as it helps to establish norms of respect in the organization and ensures that all staff understand that using specified names and pronouns signals their willingness to be inclusive to everyone.

While this policy addresses a number of areas related to transgender employees, it does not fully address the needs of employees who may be transitioning while working at Lambton. The transitioning individual usually changes their name, clothing, and appearance to coincide with their gender identity. This process may also encompass physical changes resulting from hormone therapy and gender confirmation surgery. Because of existing stereotypes both in the workplace and in society in general, many transgender individuals face difficult situations and interactions simultaneously in their personal, professional, family, and financial lives. This can lead to high stress levels, particularly when individuals are in the initial stages of transitioning.

As such, it is important that the individual be supported to work with their manager and Human Resources representative in an open and honest way to allow a smooth transition in the workplace. It is also imperative that the organization have a policy and guidelines to support this transition. This policy should recognize that each individual transitioning is dealing with a set of unique circumstances that will require a customized plan.

**Recommendation 12:** It is recommended that Lambton develop a separate policy and supporting procedures for employees to identify their specified name, if it differs from their legal name, upon hiring (and potentially even during interviewing), as well as procedures to support the use of their specified name unless use of their legal name is required.

**Recommendation 13:** It is recommended that Lambton make ongoing education available to employees and managers about the use of specified names and pronouns.

**Recommendation 14:** It is recommended that Lambton update its Supporting Transgender and Transitioning College Community Members Policy to address the needs of employees who may be transitioning at work and the requirement that an individualized plan be created for the employee.

## **5.6 Accessibility for Ontarians with Disabilities**

### **Accessibility and Accommodation for All Persons Policy**

This policy commits the College to:

...providing students, clients, employees and members of the public with a learning and working environment that respects the rights of all as enshrined in the *Canadian Charter of Rights and Freedoms* and the *Ontario Human Rights Code*. Further, Lambton College is committed to providing access to opportunities for individuals with disabilities to participate fully in all employment, education, accommodation or business dealings with the College as defined by the *Accessibility for Ontarians with Disabilities Act (2005)* (AODA).

The policy addresses the need for some persons with disabilities to use assistive devices, service animals, and support persons, and the need to provide all College employees and volunteers with training on how to interact with persons with disabilities.

This policy does not, however, include the obligations of the College to develop and maintain a multi-year accessibility plan and to make it available on the College's website, as required by legislation.

**Recommendation 15:** It is recommended that the Accessibility and Accommodation for All Persons Policy be revised to include the obligations of the College to develop and maintain a multi-year accessibility plan and to make it available on the College's website, as required by legislation.

### **Accommodation Policy**

This policy addresses the College's legal obligation to accommodate employees with disabilities, in compliance with the *Ontario Human Rights Code* and the AODA.

It states that the College will:

- Make every effort, short of undue hardship, to implement appropriate accommodation measures and provide meaningful employment
- Provide employment accommodations in a manner consistent with the core principles of dignity, integration, independence, and equal opportunity
- Ensure that all employees and job applicants are aware that accommodation measures are available within the organization, and
- Protect the confidentiality of personal and medical information provided by employees.

The policy also provides procedures to guide the accommodation process.

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This policy was assessed against the Ontario Human Rights Commission's guide for developing an accommodation policy and procedure.<sup>37</sup> This review found that the policy could be strengthened and better aligned with the Ontario *Human Rights Code* by:

- Including the principles of accommodation identified by the Ontario Human Rights Commission: respect for dignity, individualized accommodation, and inclusion and full participation<sup>38</sup>
- Specifying the College's obligation to educate managers about accommodation, including the grounds on which accommodation is most likely requested, and the various types of disabilities, particularly those that are non-evident and sporadic
- Stating that the policy applies to all employees, including full-time, part-time, temporary, casual, and contract staff, as well as people who work to gain experience such as volunteers, co-op students, and interns
- Stating that the policy applies to all stages and aspects of the employment relationship, including recruitment and selection, promotions and transfers, and accommodations of work such as hours of work and leaves of absence
- Specifying that managers ought to be alerted to the possibility that a person may need an accommodation even if they have not made a specific or formal request
- Stating the responsibility of Lambton to ensure that funding is provided for accommodation, regardless of the ability of an individual department to pay
- Stating that all requests for accommodation will be accepted in good faith
- Stating that the College must exercise good faith in seeking and providing information and should collect only when information on limitations and abilities are required for accommodation planning<sup>39</sup>
- Stating that some accommodations are very simple and straightforward, and do not require a formal or complex process, and
- Stating that no employee shall experience reprisal for requesting accommodation.

The procedures could also be strengthened by stating that accommodations may take many forms, including adjustments to the employee's regular duties and/or schedule, the

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<sup>37</sup> Ontario Human Rights Commission. (2013). 7. Accommodation policy and procedure. In *A policy primer: Guide to developing human rights policies and procedures*. <http://www.ohrc.on.ca/en/policy-primer-guide-developing-human-rights-policies-and-procedures/7-accommodation-policy-and-procedure>

<sup>38</sup> Ontario Human Rights Commission. (n.d.). *Accommodating students with disabilities—Principles (fact sheet)*. <http://www.ohrc.on.ca/en/accommodating-students-disabilities-principles-fact-sheet>

<sup>39</sup> Ontario Human Rights Commission. (2007). VI. The duty to accommodate. In *Policy and guidelines on discrimination because of family status*. <https://www.ohrc.on.ca/en/policy-and-guidelines-discrimination-because-family-status/vi-duty-accommodate>

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purchase of special equipment, building modifications, providing material in alternative formats, technical aids, work station adjustments, job redesign, leaves of absence, and changes to organizational policies and practices.

In addition, the policy should specify that, as a “single employer,” Lambton may provide accommodation across bargaining units. Once an employer has concluded that there is no way that an employee can be accommodated within their own bargaining unit, the employer must consider accommodations in other bargaining units and, under certain circumstances, contract positions. For example:<sup>40</sup>

- In Dominion Color Corp (1999) OLAA #656 (Ellis), it was held that the duty to accommodate extends outside the bargaining unit; whether it is an undue hardship on the employer to do so is a question of fact
- In Queens Regional Authority (1999) 78 LAC (4th) 269, it was held that an employer could accommodate a worker permanently outside the bargaining unit
- In Hamilton Police Association v. Hamilton Police Services (2004) 76 CLAS 5 (QL), it was held that the Employer Police Board was entitled to accommodate police officers with disabilities in civilian bargaining unit positions
- In Kelowna (City) v. CUPE L. 338 (2003) BCCAA #72 (QL) (Lanyon), it was held that the duty to accommodate may require an employer to place someone outside of the bargaining unit.

**Recommendation 16:** It is recommended that the Accommodation Policy be revised to comply with guidelines from the Ontario Human Rights Commission.

## **5.7 Issues Relevant to All Policies**

Various policies refer to employees with the masculine pronouns “he” and “his” and the feminine pronouns “she” and “her”; in other places, “he/she” is used. The use of pronouns is not inclusive to all employees. In addition, the procedures do not accompany each policy to guide their consistent implementation.

**Recommendation 17:** It is recommended that during its policy review, Lambton College take the opportunity to use gender-neutral language in all its policies.

**Recommendation 18:** It is recommended that procedures be developed for each policy to guide their consistent implementation.

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<sup>40</sup> <https://www.ldanb-taanb.ca/duty-to-accommodate-2/the-scope-of-the-duty-to-accommodate/>

## **5.8 Policy Gaps**

In addition to the issues identified in this section, additional gaps were identified in College policies.

### **Accommodation**

Under the Ontario *Human Rights Code*, the College has a duty to accommodate employees based on any human rights protected ground, not just disability. As such, a policy to address accommodation of religious, Indigenous, and spiritual observance, as well as a policy to accommodate employees based on family responsibility would help the College meet these obligations.

**Recommendation 19:** It is recommended that the College address its obligation to accommodate employees based on any human rights protected ground, not just disability, either by updating its Accommodation Policy, or by developing a separate policy.

### **Employment Equity Policy**

While Lambton has made a number of commitments to workforce diversity and employment equity, it does not have a policy to operationalize these commitments. Such a policy would name the groups identified for employment equity because they experience persistent and systemic discrimination in employment. The policy would also specify Lambton's commitment to closing any identified gaps in representation for Indigenous Peoples and those from the equity-seeking groups. This policy would also commit Lambton to undertaking various actions to implement the policy and identify the roles and responsibilities of senior leaders, managers, and employees to support its implementation.

**Recommendation 20:** It is recommended that an Employment Equity Policy be developed to specify how the College will meet its commitments to employment equity, including how diversity is to be considered in the hiring process.

### **Scent-Free Organization Policy**

This policy would commit the organization to providing an indoor work environment for employees that reduces the possibility of increased sensitivity and/or allergic response to scented products. It would require that employees refrain from wearing or bringing any scented products to which others may have a sensitivity or allergic response into the workplace.

**Recommendation 21:** It is recommended that Lambton College develop a Scent-Free Organization Policy.

## **6. Recruitment and Selection Processes and Practices**

The purpose of the recruitment process is to attract a diverse pool of qualified applicants to fill vacant positions. An organization's method of recruitment contributes greatly to the diversity of its workforce. For example, the diversity among applicants in response to a vacancy advertised online will likely be different from that in response to a job opening advertised by word of mouth through existing employees.

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

The nature of the selection process renders it susceptible to systemic barriers and individual biases. Consequently, it is important to ensure that only clearly defined job-related criteria are used to assess candidates at each stage of the process and that steps are taken to mitigate gender, cultural, and personal biases. These biases can impact not only who is selected for an interview, but also how merit is assessed and how candidates are viewed against these established criteria.

While a formal process does not guarantee the complete elimination of subjectivity, it does help to reduce it. Without a formal selection process in place, individuals may unintentionally work against the organization's human rights obligations and its efforts to diversify the workforce.

The components of the recruitment and selection process discussed in this section include:

1. Job postings
2. Selection criteria
3. Pre-screening
4. Assessment of candidates
5. Background checks
6. Making the hiring decision, and
7. Competition files.

### **6.1 Job postings**

The wording of the information contained in a job ad has the effect of narrowing or broadening the applicant pool. In addition to describing the duties of the job, organizations that have equity programs typically include wording that presents them as being welcoming to applicants from diverse communities, backgrounds, and identities, which helps to attract job seekers from Indigenous communities and the equity-seeking groups.

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In addition, other information on the job ad supports candidates from Indigenous communities and the equity-seeking groups to learn more about the job opening and to apply for the position.

**Content and language used**

The job ads reviewed had a consistent format and included the following information about the job vacancy:

- Job title
- Job type, i.e., full-time, regular part-time, temporary, faculty
- Location
- Job category, i.e., support staff, academic
- Closing date
- Salary range or hourly wage
- Information about the College
- Specific accountabilities, and
- Qualifications, including educational credentials and years of experience.

No issues were found with the content of the job ads.

**Equity and Accommodation Statement**

Lambton College's job ads also include an equity statement on each job ad. This statement is also included on the Careers page:

Lambton College hires on the basis of merit and is committed to employment equity. In support of a diverse and inclusive college community, Lambton College welcomes applications from all qualified candidates, including aboriginal persons, members of sexual minority groups, persons with disabilities and visible minorities.

While this statement indicates that the College is committed to employment equity it does not ask applicants to self-identify in order to know which candidates identify as Indigenous or as belonging to the equity-seeking groups. In addition, the statement should include women as an equity-seeking group. While they may be well represented at the College overall, there will be occupations or departments in which they are underrepresented. The equity statement should also use updated language with respect to Indigenous Peoples, and encourage applications from all members of the 2SLGBTQ+ community.

Each job ad opens with a land acknowledgement, which may help to encourage Indigenous Peoples and others to apply for jobs at the College. The statement reads as follows:



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Located on the beautiful homeland that is the traditional territory of the Ojibwe, Potawatomi and Odawa First Nations, for over 50 years, Lambton College has been a ground-breaking institution.

Furthermore, the College includes an accommodation statement that is consistent with Section 23 of the AODA Integrated Standards.<sup>41</sup> The standard states that during a recruitment process, an employer shall notify job applicants when they are individually selected to participate in an assessment or selection process that accommodations are available upon request in relation to the materials or processes to be used. The College's accommodation statement reads as follows:

Lambton College is committed to an inclusive, barrier-free selection process. If contacted regarding this competition, please advise the interview coordinator of accommodation measures you may require during our selection process. Information received relating to accommodation needs of applicants will be addressed confidentially.

By not restricting the provision of accommodation only to persons with disabilities, this accommodation statement ensures that the College complies not just with the AODA, but also with its legal duty under the Ontario *Human Rights Code* to provide accommodation in the selection process based on any human rights protected ground.

**Recommendation 22:** It is recommended that the College ask applicants who identify as Indigenous or as belonging to an equity-seeking group to self-identify on their cover letter.

**Recommendation 23:** It is recommended that the College's equity statement be revised to include women, use updated language with respect to Indigenous Peoples, and encourage applications from all members of the 2SLGBTQ+ community.

**Recommendation 24:** It is recommended that an FAQ section be added to the Careers webpage in order to address questions related to accommodation in the selection process, to ensure that applicants know that accommodation will be provided based on any human rights protected ground (including disability, religion, and family status), and identify the types of accommodation available to them (for example, more time for the interview, rescheduling of the interview, etc.).

### **Police Records Check**

The Job Opportunities webpage does not inform job seekers that offers of employment are conditional upon successful candidates providing a clear police records check or Vulnerable Sector Screening. Many organizations that require a police records check inform job

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<sup>41</sup> *Accessibility for Ontarians with Disabilities Act. (n.d.). Integrated regulation — Recruitment, assessment or selection process.* <https://www.aoda.ca/integrated/#raosp>

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seekers of this requirement on the organization's website and outline the process by which to obtain and submit the police records check.<sup>42</sup>

The requirement to provide a criminal record check may create barriers to job seekers who wish to apply to Lambton College, but feel that their criminal record would preclude them from employment. This would impact job seekers from the transgender, Black, and Indigenous communities in particular, as they disproportionately have encounters with police because of racial profiling;<sup>43</sup> face transphobia and racism in the criminal justice system,<sup>44</sup> resulting in criminal convictions for minor offenses and/or survival-based crimes (e.g., trespassing); and face structural racism, which places them at risk of criminalization. As such, it is important to also provide information to job seekers about the review process should they have a criminal record.

**Recommendation 25:** It is recommended that the Careers webpage inform job seekers that a policy records check is required for some positions and describe the process for obtaining a police record check.

### **6.3 Selection criteria**

#### **Qualifications**

The review of competition files found that diversity and equity related qualifications were included on job ads for some positions, such as the following:

- Candidates must be excellent communicators with the ability to provide service to a diverse student population
- Responsible for championing intercultural literacy and the ability to create inclusive environments for students, staff and community partners, and
- Demonstrated ability to maintain a high degree of confidentiality, work with diverse populations, and respond to needs in a sensitive and positive manner.

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<sup>42</sup> See for example: Peel District School Board. (n.d.). *Criminal background check*. <https://www.peelschools.org/about/careers/criminal-background-check/Pages/default.aspx>

<sup>43</sup> See: Ontario Human Rights Commission. (2003, October 21). *Paying the price: The human cost of racial profiling*. <http://www.ohrc.on.ca/en/paying-price-human-cost-racial-profiling>

<sup>44</sup> See: Government of Ontario. (1995). *Report of the Commission on Systemic Racism in the Ontario Criminal Justice System*. <http://www.ontla.on.ca/library/repository/mon/25005/185733.pdf>; Rankin, J., Winsa, P., & Ng, H. (2013, March 4). Unequal justice: Aboriginal and black inmates disproportionately fill Ontario jails. *Toronto Star*. [https://www.thestar.com/news/insight/2013/03/01/unequal\\_justice\\_aboriginal\\_and\\_black\\_inmates\\_disproportionately\\_fill\\_ontario\\_jails.html](https://www.thestar.com/news/insight/2013/03/01/unequal_justice_aboriginal_and_black_inmates_disproportionately_fill_ontario_jails.html)

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However, qualifications related to the candidate's ability to teach a diverse group of students, work with a diverse group of co-workers, deliver services to a diverse group of clients, or manage a diverse group of employees were not included on all job ads.

**Recommendation 26:** It is recommended that all job ads indicate that qualified candidates must have the skills and knowledge needed to work with an increasingly diverse staff and student population, specific to the roles and responsibilities of the job.

### **Equivalencies**

In our consultations, participants raised their concerns about credentialism being a barrier to the hiring of a more diverse workforce. In order to overcome this barrier, many organizations indicate in their job postings the education and experience requirements needed for a position and then state "or equivalent education and years of experience." None of the job ads reviewed stated that equivalencies would be accepted.

**Recommendation 27:** It is recommended that an equivalent combination of education and years of work experience, informal experience, volunteer experience, as well as lived experience be accepted for positions that do not require a specific degree, certificate, or professional designation, and that those engaging in hiring are educated regarding assessing and considering equivalency, with screening and recruitment tools reflecting this.

## **6.4 Prescreening**

Typically, résumés are reviewed based on the minimal requirements (e.g., education and experience) listed in the job ad to identify the applicants to invite for an interview. The competition files we reviewed were incomplete and did not include a prescreening tool. As such, we are unable to determine the basis on which résumés were reviewed to identify the applicants to invite for an interview.

**Recommendation 28:** It is recommended that the Human Resources Department ensure that the prescreening of résumés is consistently used to assess whether candidates possess the required skills and abilities for the job, and that the tools used for prescreening be included in the competition file.

## **6.5 Assessment of candidates**

In a formal assessment process, interview questions are designed to assess each candidate against job duties and qualifications. The general practice is to establish interview questions that probe whether the candidate possesses 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.

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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 it is that women will be successful in the process.<sup>45</sup> This finding likely also holds true for Indigenous candidates and those from the equity-seeking groups. Other studies have 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>46</sup> Without a standardized interview process—and adequate training—interviewers may make hiring decisions based on “gut feeling” and intuition. This approach could have a negative effect on the hiring of individuals from Indigenous communities and the equity-seeking groups, who may be fully qualified and well suited to the job.

For decades, research studies in Canada and the United States have been conducted on the impact of gender, race, and ethnicity on various aspects of employment. This research suggests 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 have 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 than for their White male counterparts. In Canada, there is also evidence that the qualifications and work experience of immigrants are also undervalued, and that biases against those with “ethnic-sounding” names negatively affect the ability of job applicants to be considered for positions for which they are fully qualified.<sup>47</sup>

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<sup>45</sup> Polisar, J., & Milgram, D. (1998, October). Recruiting, integrating and retaining women police officers: Strategies that work. *The Police Chief*, 1998, 42–53. [https://www.iwitts.org/images/media/Milgram\\_ThePoliceChief\\_Oct1998.pdf](https://www.iwitts.org/images/media/Milgram_ThePoliceChief_Oct1998.pdf)

<sup>46</sup> Bohnet, I. (2016, April 18). How to take the bias out of interviews. *Harvard Business Review*. <https://hbr.org/2016/04/how-to-take-the-bias-out-of-interviews>

<sup>47</sup> See for example:

Banerjee, R., Reitz, J. G., & Oreopoulos, P. (2017, January 25). *Do large employers treat racial minorities more fairly? A new analysis of Canadian field experiment data*. University of Toronto. <http://www.hireimmigrants.ca/wp-content/uploads/Final-Report-Which-employers-discriminate-Banerjee-Reitz-Oreopoulos-January-25-2017.pdf>

Cruickshank, A. (2017, December 26). Black job seekers have harder time finding retail and service work than their white counterparts, study suggests. *Toronto Star*. <https://www.thestar.com/news/gta/2017/12/26/black-job-seekers-have-harder-time-finding-retail-and-service-work-than-their-white-counterparts-study-suggests.html>

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To minimize the effect of bias on candidates from diverse communities, backgrounds, and identities, organizations typically strive to ensure diverse representation on interview panels. Doing so increases the validity of the interview as a primary selection tool and decreases the differences in outcomes between candidates from various groups. Having a diverse interview panel also 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.<sup>48</sup>

In addition, interviewers, no matter how well intentioned, may also tend to favour those who are 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 to mitigate against any such bias.

### **6.5.a Interview guides**

The review of the competition files found that members of the interview panel are provided with Interview Guides, which include the interview questions, responses the interview panel should be looking for, and a place to record the candidate's responses and score the responses.

However, the Interview Guides provided for this review showed that some members of the interview panel:

- Did not take verbatim notes but instead commented on the answer provided, e.g., "ok answer"
- Did not score the candidate's response to each question, and
- Considered factors other than the candidate's skills and abilities, e.g., "needed lots of time to think".

In addition, it does not appear that all hiring complies with the Recruitment and Selection Policy's requirements to use a hiring panel of at least three people, hire through a competitive process, and include a Human Resources representative on the interview panel.

The Interview Guide does not provide a place to total the candidate's scores. The Interview Guide could be strengthened by providing the following guidance to members of the interview panel:

- Compare candidates to the position and not to each other

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<sup>48</sup> See for example: Reynolds Lewis, K. (2017). Diversity interview panels may be a key to workplace diversity. Working Mother. Issue 45. <https://www.workingmother.com/diverse-interview-panels-may-be-key-to-workplace-diversity>

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- Develop rapport with direct eye contact, convey interest in candidate responses, and encourage a relaxed, open conversation
- Appreciate that the candidate may be nervous, give them time to formulate responses and answer fully
- Avoid speaking over the candidate or completing their sentences
- Ask all candidates the same questions; clarifying questions are posed in circumstances when candidate's information is incomplete or unclear
- Reference the need to have a non-discriminatory process to ensure compliance with the Ontario *Human Rights Code*
- Ensure that candidates are provided with accommodation, and that the need for accommodation is not considered when making the hiring decision
- Provide the interview questions in writing to the candidate, and
- Provide additional information to support candidates from diverse backgrounds, communities, and identities (e.g., micro-affirmations, types of interview questions to avoid, etc.).

**Recommendation 29:** It is recommended that the Interview Guides be updated to provide additional support to hiring managers to ensure consistent interview practices that comply with College policies, best practices for bias-free hiring, the Ontario *Human Rights Code*, and the AODA.

### **6.5.b Interview questions**

Overall, the review of the competition files found that the interview panel asks very good interview questions designed to allow job candidates to demonstrate the skills and abilities needed for the job. There was also a good mix of theoretical/knowledge and behavioural questions. In some cases, the Interview Guides also provide a number of clarifying questions that allow the interview panel to probe when a candidate has not provided a complete response to the question. This included questions that begin in the following ways:

- Tell us about a time when...
- Outline your experience with...
- Walk us through your process for...
- Please share with us your approach, process, and comfort with...

However, we also came across some questions that did not assess a candidate's skills and abilities to do the job and that may be biased against Indigenous candidates and members of the equity-seeking groups. The questions that fell into this category are as follows:

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**Questions not relevant to assessing the candidates' skills and abilities for the job.** In some cases, questions were asked questions unrelated to their ability to effectively carry out the duties of the job and which allow for the subjective scoring of the candidate's responses. These questions include:

- Tell us about what interests you about this job. (Look fors include sincere interest in the position and Lambton College)
- Department culture is defined as the behaviours that determine how everyone in a department interact together and handles the priorities of their department. What would you want the culture of the Research and Innovation Department to be like?

**Questions that require insider knowledge of the College.** In a few cases, the job candidate was asked questions about the position that they would not necessarily know the answers to unless they had previously worked in the position or department, or had connections to staff within Lambton, such as:

- If you had one month and a \$50,000 budget to tackle any project at work what would it be and why? How would you see yourself making this happen? Who would you involve and why? What would be the most exciting part of this? (Look fors included: they are finely tuned in to where the company is headed)

In a few other cases, we found look fors that require the subject assessment of candidates, focus on fit, or assessment that is unrelated to the candidate's ability to do the job, such as whether they have done further research to learn more about the Department and the College; are interested in position; and are a match to what the College is seeking.

A standard question related to EDI was found in some of the files reviewed. While we welcome the inclusion of a question specific to EDI, we found that the question was not tailored to be relevant to the requirements of each job. In addition, the question allowed for superficial responses and did not fully assess the candidate's knowledge, commitment, or experience with respect to EDI.

**Recommendation 30:** It is recommended that all interview questions be closely linked to the assessment of the knowledge, skills, and abilities of the candidate as it relates to the job. Interview questions should be cross-referenced with the job postings to ensure there is fidelity between the questions and the skills and qualifications laid out in the job posting.

**Recommendation 31:** It is recommended that look fors be prepared for each interview question to ensure that the assessment of the candidate's responses is consistent for each panel member, can be objectively assessed, and does not include any gender or cultural biases.

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**Recommendation 32:** It is recommended that a pool of questions related to EDI be developed and that hiring managers be required to include one question relevant to the role to assess the capacity of prospective employees to lead, teach, work with, and support staff and students from diverse communities, backgrounds, and identities.

### **6.5.c Scoring and interview notes**

Keeping good notes on the candidate's responses to the interview questions is critical to fairly assessing the candidate against the skills and abilities to do the job. These notes will also be critical to defending the organization's hiring decisions should it be challenged through a grievance or human rights complaint. The notes should document non-discriminatory reasons for hiring or not hiring each candidate.

In addition, the members of the interview panel should understand the implications of including comments unrelated to the candidate's skills and abilities to do the job. They should also understand that personal characteristics should not be considered when assessing whether a candidate is qualified for the job.

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

As previously noted, our review of the competition files found that some members of the interview panel:

- Did not take verbatim notes but instead commented on their assessment of the answer, e.g., "ok answer," and
- Did not score the candidate's response to each question

The Interview Guide also did not provide space for the candidates' scores to be totalled. In addition, it was unclear which candidate was successful in the process.

In some of the competition files provided for this review, no interview notes were provided. As such, it is unclear whether an interview was conducted and on what basis a hiring decision was made.

**Recommendation 33:** It is recommended that all members of a hiring panel be provided with instructions on the importance of keeping complete, verbatim notes on candidates'



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responses to interview questions to support the panel's ability to accurately assess each candidate.

**Recommendation 34:** It is recommended that all those involved in the hiring process be provided with training and ongoing support about bias-free, non-discriminatory hiring and the impact of unconscious bias, to ensure that only factors that are relevant to the candidates' ability to do the job are considered in the hiring process.

**Recommendation 35:** It is recommended that interview panel members be required to independently score the candidates' responses to each question prior to coming to a consensus with the other panel members, and that scheduling of the interviews include sufficient time after each interview to appropriately score each candidate.

#### **6.5.d Other assessment tools**

Various organizations supplement interviews with written and practical tests as part of the selection process to provide a more objective measure of a candidate's knowledge, skills, and abilities.

The competition files reviewed included information on tests that were used in the assessment process, including written questions to respond to and a presentation to be made to the panel. However, the completed tests and information on how they were scored were not included in the files reviewed.

**Recommendation 36:** It is recommended that when tests are used in the selection process, a scoring template be developed to support the consistent scoring of all candidates and to limit the impact of biases on the assessment of candidates. The test scores should also be used in the assessment of candidates and when making the final hiring decision.

**Recommendation 37:** It is recommended that test marking incorporate the best practice of anonymous scoring (e.g., the markers do not know the names of the candidates) in order to reduce the impact of bias.

#### **6.6 Background checks**

While the Recruitment and Selection Policy requires that educational credentials be provided directly to Lambton by the issuing institution, it is unclear whether this process is being followed. The Interview Guides reviewed include a section to indicate whether the candidate has provided their references and educational credentials.

**Recommendation 38:** It is recommended that the College ensure compliance with the Recruitment and Selection Policy by ensuring that educational credentials for job candidates are provided directly by the issuing institution.

## **6.7 Making the hiring decision**

In our review of competition files, we did not find scores for each candidate or an overall scoring sheet that totalled the scores from the interview and the test for each candidate interviewed. As such, it is unclear who the highest-scoring candidate was and which candidate was offered the position.

Furthermore, while the College states on job postings that it is committed to employment equity, there doesn't appear to be any guidance provided to hiring managers about whether and how diversity is to be considered in the hiring process.

**Recommendation 39:** It is recommended that the proposed Employment Equity Policy commit Lambton College to creating a more diverse workforce, and that it be supported by procedures and guidelines for the hiring panel about how diversity is to be considered in the hiring process.

**Recommendation 40:** It is recommended that managers receive ongoing communication and education about the College's commitment to diversifying the workforce, the value that diversity brings to its work, and managers' roles and responsibilities to support this corporate objective.

## **6.9 Competition files**

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

Typically, a competition file includes the following:

- Job ad
- Prescreening spreadsheet that documents the criteria used to screen applicants and develop a short-list for an interview
- Applications (résumés, cover letters) received for those who were invited for an interview
- Testing and related assessments for those who were interviewed
- Schedule of interviews and list of selection panel members
- Completed Interview Guides for each panel member
- Scoring summary sheet for the interview process
- Completed reference checks
- Indication of who the successful candidate was, and

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- Correspondence related to the competition, providing rationale for decisions such as when offers are declined or candidates withdraw from the process.
- While we recognize that changes in hiring procedures occurred because of the pandemic, the College needs to ensure that it has a system in place to retain closed competition files. Developing a checklist would help to ensure that all necessary information is included and returned to the Human Resources Department for retention.

**Recommendation 41:** It is recommended that a checklist be created to identify what information is to be maintained in the competition files and to ensure that each file is complete and sent to the Human Resources Department when closed.

## **7. Employee Perspectives**

Consultation with employees is an essential component of an Inclusivity Assessment. Employees' perceptions of what happens in the organization and their experiences in the workplace are a critical source of information and insight into the culture of the organization and the day-to-day working environment employees experience. The Canadian Human Rights Commission has identified the examination of attitudes and behaviours within an organization as a key component of an Inclusivity Assessment. The Commission notes that without this analysis, significant barriers can be missed by the organization, particularly when negative attitudes, stereotypes, and corporate culture play a significant role in staffing.<sup>49</sup>

Individual attitudes and corporate culture have an impact on the job performance and retention of Indigenous employees and employees from the equity-seeking groups. While some behaviours may not be deemed to be harassment or discrimination as defined by the Ontario *Human Rights Code*, they can nonetheless have a significant impact on the work environment. For example, negative attitudes toward equity and diversity, even when expressed out of ignorance, can affect the work environment and whether members of the designated groups feel welcomed and included in the workplace.

An understanding of employees' support of workplace EDI efforts also helps to assess the organization's readiness for change and the strategies that will be needed to effect and sustain change. Many workplace EDI efforts have been derailed by an organization's failure to measure its readiness for change, undertaking too rapid a pace of change, and undertaking initiatives without first ensuring the needed understanding and buy-in from managers and employees. Implementing equity programs without creating this foundation

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<sup>49</sup> Canadian Human Rights Commission. (2002, December). *Employment Systems Review: Guide to the audit process*. [http://publications.gc.ca/collections/collection\\_2007/chrc-ccdp/HR4-3-2002E.pdf](http://publications.gc.ca/collections/collection_2007/chrc-ccdp/HR4-3-2002E.pdf)

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of understanding can create fear and resentment, which could lead to backlash and the undermining of equity initiatives.

While an unwelcoming working environment negatively affects Indigenous employees and employees from the equity-seeking groups it can also have negative implications for other employees and the organization as a whole. Unhealthy workplaces have been linked to low productivity, 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 environments that are not welcoming and inclusive are more likely to leave for other jobs, take extended leaves of absence, and retire early.<sup>50</sup> Unhealthy workplaces also negatively affect the mental health of employees,<sup>51</sup> with mental health issues now the leading cause of short- and long-term disability absences.<sup>52</sup>

Employee perspectives and experiences act as a window into whether employment systems are fair—and are perceived to be fair—and help to identify how organizational practices along with supervisor and management behaviours might differ from organizational policies and stated commitments to EDI. Employees also provide critical insight into the organization’s culture and working environment, including uncovering resistance to EDI efforts.

This section summarizes the findings of the online survey and focus groups with Lambton College employees and managers. While only 28 employees participated in the focus groups, 210 employees completed the online survey. An additional 23 senior leaders and internal stakeholders were also interviewed. This represents close to 33% of the College’s approximately 800 employees.

The data collected through the online survey is presented in graphs for each series of questions. Each graph is then followed by an exploration of the themes identified through the conversations with employees in the focus groups, the interviews with senior leaders, and the 122 pages of stories, information, and perspectives shared through the online survey.

Many of the employees who did participate in the consultation expressed fear and shared their concerns about being identified in this report and the impact that sharing their

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<sup>50</sup> See John Samuels & Associates. (2006, March). *Summary report on engagement sessions for a racism-free workplace*. Human Resources and Skills Development Canada; Gandz, J. (2005). *A business case for diversity*. Canadian Department of Labour.

<sup>51</sup> Mental Health Works. *How can the workplace contribute to or create mental health problems?* <http://www.mentalhealthworks.ca/how-can-the-workplace-contribute-to-mental-health-problems/>

<sup>52</sup> Chai, C. (2017, May 5). *500,000 Canadians miss work each week due to mental health concerns*. Global News. <https://globalnews.ca/news/3424053/500000-canadians-miss-work-each-week-due-to-mental-health-concerns/>

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experiences may have on their employment. They cautioned the consultants about what information could be used in the report; in some cases, they spoke about negative experiences that they did not want to be shared in this report.

In the online survey, employees were asked the extent to which they agreed with a number of statements. They had the option of identifying whether they strongly agreed, agreed, disagreed, or strongly disagreed. They were also able to indicate whether they don't know or if the question was not applicable. To simplify the graphs and allow for ease of analysis, the graphs compile the proportion of employees who indicated that they agree or strongly agree with the question. Owing to the small number of survey respondents who identified as Indigenous or as belonging to an equity-seeking group other than women, the responses for all employees have been summarized in these graphs and have not been broken down by identity group in order to protect the privacy of individual employees.

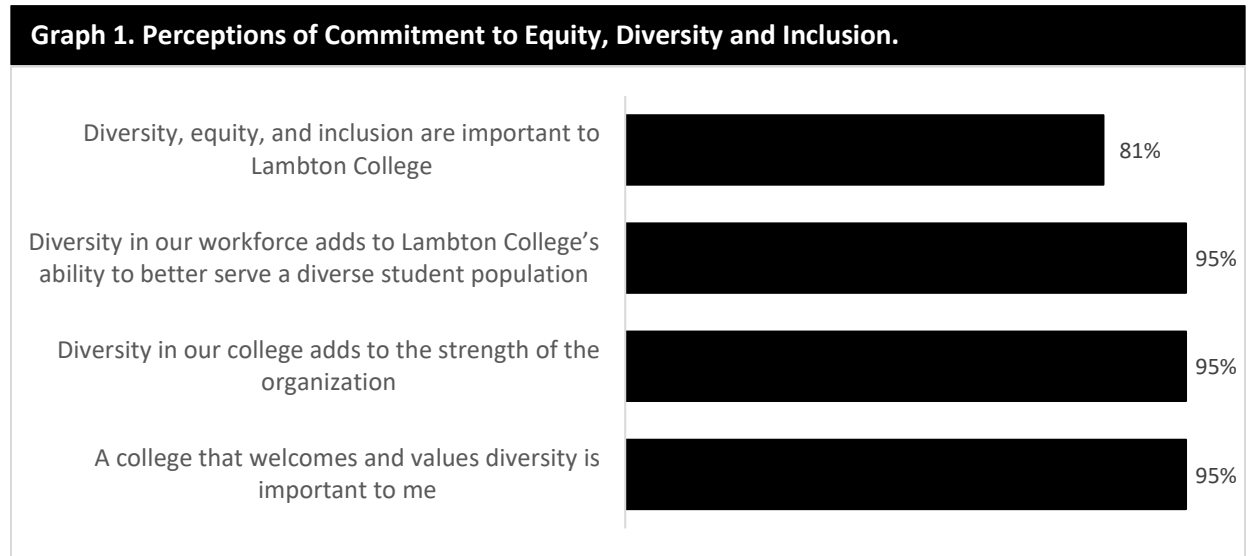
While these perspectives provide insight into the overall experience of employees, these perspectives do not fully describe every workplace and work team at the College. Through the online survey, many employees reported that they have experienced nothing but fair treatment from the organization and the person they report to. At the same time, a number of employees, including many who indicated that they have not had any issues in the workplace, shared that they have encountered unfair treatment and inappropriate behaviours.

This section summarizes a large amount of information, including that provided in the online survey and focus groups, and we have chosen to include many quotes from employees. We do this to amplify the voices of the employees who courageously shared their stories and to ensure that decision makers are able to hear the voices of Lambton employees—unsanitized by the consultants.

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## 7.1 Attitudes and corporate culture

The Employee Inclusivity Survey asked respondents about their own commitment to workplace EDI as well as their perception of the College’s commitment to this work.



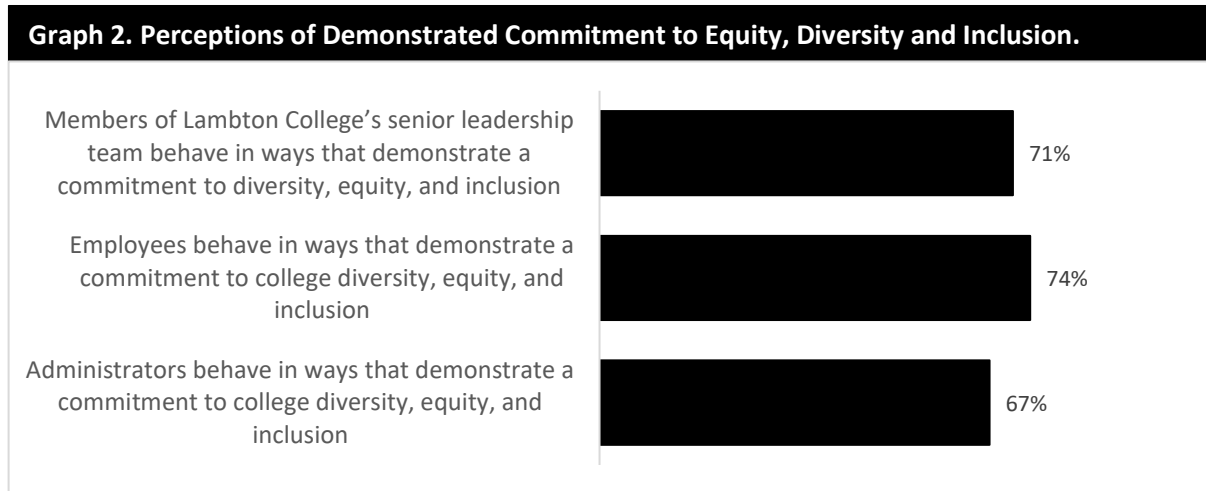
As Graph 1 shows, the vast majority of survey respondents agreed that workplace EDI is important to Lambton College. A larger proportion agreed that diversity in the workforce adds to the College’s ability to better serve a diverse student population, and that diversity in the College adds to the strength of the organization. The vast majority also reported that a college that welcomes and values diversity is important to them.

Throughout the focus groups and the online survey employees also described a deep commitment to the organization and its work. They shared a number of positive aspects that keep them at the College. These include:

- Friendly and helpful colleagues and supervisors
- Because it is a small college, there is a good sense of community and the ability to get to know colleagues
- The seasons throughout the college year, which includes busy and quiet times
- Working with students and seeing students’ success; ability to bring front line practical experience into the classroom
- Having autonomy and flexibility in their work
- Appreciation educational opportunities and tuition subsidy, and
- Good wages and benefits, including vacation time and mental health supports.

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The online survey also asked employees whether people in different roles demonstrate a commitment to workplace EDI.



While the vast majority of survey respondents shared that the organization has a commitment to EDI, as Graph 2 shows, a smaller proportion of each group agreed that members of the College's Executive Leadership Team (71%), employees (74%), and administrators (67%) behave in ways that demonstrate a commitment to workplace EDI.

Survey respondents were asked to specify what the College is currently doing well to foster an inclusive and welcoming environment for employees. The most frequently shared examples included the following:

- **Professional development (PD):** The existing PD available to staff and faculty was the most frequently cited example of what the College is doing to foster a more inclusive and welcoming working environment. As some employees commented:

*The Four Seasons training was very informative and helped with understanding the history of discrimination of Indigenous people.*

*Learning opportunities for all staff and students to understand all cultures and world issues.*

*The professional development sessions that are offered are fantastic. We have so many opportunities to learn about diverse experiences and cultures, and I am very grateful for that.*

However, it was also noted that more training is needed for all staff and faculty. Some also shared the need for mandatory EDI professional development. Currently the PD is voluntary. As a result, those who attend the sessions are already those engaged in and supportive of EDI. In addition, in-person training is not necessarily available to faculty who have scheduled courses that occur at the same time as the

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training, and therefore courses may be primarily attended by staff rather than faculty.

- **Programs and services:** Many also identified the various programs and services available to both employees and students as evidence of the College's commitment to EDI. These included: ramps, all-gender washrooms, prayer room, Indigenous Student Centre, outside space for Indigenous students being developed, Wellness Centre, Accessibility Centre, Community Integration through Co-operative Education Program, and the Rainbow Crosswalk.
- **Diversity of faculty and staff:** The current diversity among employees and students was also identified. As some employees commented:

*Some faculty that have been hired are immigrants and this has projected a positive image to students, especially international students.*

*Creating opportunities for inclusion of diversity in student body, staff, faculty and management teams.*

*Hiring women in roles that men traditionally hold, hiring people from different cultures.*

- **Cultural events:** The cultural events held on campus including Indigenous events and celebrations and cultural events for international students were also identified.
- **College policies:** Employees also identified the various policies that are in place to promote inclusion and address issues when they arise as additional ways in which the College is creating a more inclusive and welcoming working environment.

Survey respondents also noted that College staff are welcoming and inclusive, and that they have positive relationships with their co-workers. A number of employees identified these day-to-day experiences with their colleagues as evidence of an inclusive and welcoming environment at the College. However, several employees noted that while there are positive interactions, they have resulted from the kind and caring nature of these individuals rather than any effort on the part of the College to create inclusive work environments. As some commented:

*Lambton College is a good place to work even for members of visible minority groups. My mostly white coworkers have always treated me well. Most of them are nice and friendly, but not because college management told them to behave in that manner.*

*The college isn't doing much, I just happen to have amazing people in my department who are very welcoming and inclusive.*

*Anything I have noticed has been because of individual people and what they care about, not because of some corporate commitment.*



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There were also a number of employees who shared that the College is doing little or nothing to create a more inclusive and welcoming working environment. Their comments included the following:

*Nothing! It's all talk.*

*I do not believe that Lambton demonstrates an inclusive and welcoming environment. There is still an "old boy's network" at play. Diversity is not appreciated or acknowledged in many cases.*

*We don't have a set path for EDI. Most people do their own thing.*

Employees shared their perception that Lambton's commitment to employment equity has not been operationalized and embedded into the College's employment policies and practices. Instead, they share that EDI at Lambton is performative in that the College has engaged in superficial or symbolic actions that convey a commitment to EDI, without any real action designed to bring about change. They shared examples of the College making strong statements of commitment to EDI, Indigenous education, or international students without entrenching a change in practices or culture. As one person commented:

*We tokenize these people where it's like, oh, we have so and so who is an international student who now works here. And it's so great. We have someone here and we have this Rainbow Crosswalk, but do we have any certified safe spaces for people who are LGBTQ+ to feel safe? Like, we don't practice what we preach. We do the things for the optics to get people in the door. But then once they come in the door, we're like, oh, shit.*

A few also shared their resistance to EDI and their feelings that the College's efforts to create a more welcoming and inclusive work environment marginalizes straight White Christian men. Through the survey they shared the inaccurate information that there is federal mandate to hire Indigenous peoples and members of the equity seeking groups, which some indicated is an attack on their children who they feel will not be able to get a job because they are White. Others shared their concerns:

*Over the years and certainly as long as I have been here, Lambton College has always been a welcoming place for students, faculty and staff. Ironically, all the EDI stuff is actually making the College less inclusive and welcoming. Why would a straight white Christian male want to attend Lambton College when all the College talks about is how bad and evil this group of people are at the same time telling them their voices and opinions don't matter? In addition, why would international students (from India for example) want to come to Canada and Lambton College if we are essentially telling them that we are a racist country who are guilty of genociding the Indigenous Peoples. So Lambton College is doing nothing well to make it an inclusive and welcoming place.*

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*The only group of people who experience discrimination or are disadvantaged are white people, or more specifically, straight white Christian males. Again, there is a great amount of anti-white hatred permeating throughout the College. Not only that, there seems to be a lot of disdain for people who don't subscribe and go along with their globalist left-wing agenda. I know many people who are scared to speak publicly at the College for fear of repercussion and being ostracized. The truth is, it's dangerous to hold traditional conservative values on campus and talk about it openly. To tell you the truth, I don't feel welcome or included at the College, but I'm not a sissy and I can take it. But others who aren't as strong as me surely can't handle it as well as me. Again, not very inclusive.*

Throughout the consultations, employees expressed cynicism that this process would result in any real change. They referenced other initiatives in the past that asked for employee input, which they haven't received any feedback from and hasn't resulted in change.

### **Implications and Recommendations**

Despite the fact that many employees enjoy and are committed to working at Lambton, much more needs to be done to foster a welcoming and inclusive workplace for all employees. In addition, Lambton ought to communicate with employees about the results of the Inclusivity Assessment and the resulting strategy, and regularly communicate with them about the strategy's implementation.

**Recommendation 42:** It is recommended that senior leaders and all people managers receive mandatory and ongoing training to ensure they are able to lead and foster a working environment that values and is inclusive to Indigenous Peoples and employees from the equity-seeking groups. This training should help senior leaders and people managers develop the competence and confidence to identify and address inappropriate behaviours when they do occur.

**Recommendation 43:** It is recommended that senior leaders and all people managers commit to, and be provided with, adequate supports, including anti-racism and anti-oppressive practice training, to enable them to demonstrate a greater personal and professional commitment to equity, diversity, and inclusion through behaviours and language that demonstrate inclusion and respect for all employees.

**Recommendation 44:** It is recommended that issues of equity and inclusion be embedded into all other training provided to managers and leaders, where relevant and appropriate.

**Recommendation 45:** It is recommended that Lambton ensure that it creates inclusive and safe workplaces that allow all employees, particularly those with hidden identities, to bring their full selves to work. This should include visual displays of positive spaces as well

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as training for managers and school administrators about their roles and responsibilities to create inclusive and welcoming spaces for all employees.

**Recommendation 46:** It is recommended that a communications/learning strategy be developed with the goal of:

- Increasing employee understanding of workplace equity, diversity, and inclusion
- Increasing employee understanding of barriers to hiring, advancement, and inclusion in the labour market generally and at Lambton more specifically, addressing the facts and myths associated with workplace equity, diversity, and inclusion
- Defining key terms and concepts, and
- Developing and communicating a business case for workplace equity, diversity, and inclusion that links the organization's diversity and inclusion efforts to its ability to serve an increasingly diverse community.

**Recommendation 47:** It is recommended that Lambton better support all employees to understand the need and rationale for its equity, diversity, and inclusion efforts by sharing this report and the resulting Inclusivity Strategy with employees and by providing regular updates on its implementation.

**Recommendation 48:** It is recommended that once the Inclusivity Strategy is finalized, each department be required to prepare an Inclusivity Action Plan to specify the actions they will take to address the areas of underrepresentation and how they will support the achievement of the corporate objectives articulated by Lambton.

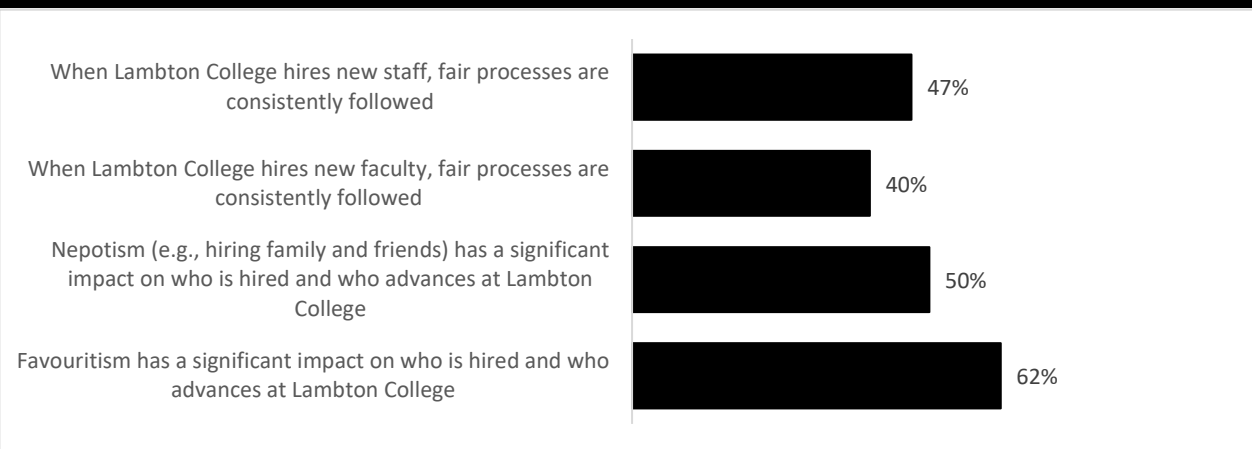
**Recommendation 49:** It is recommended that managers and senior leaders have equity, diversity, and inclusion objectives included in their performance plans.

**Recommendation 50:** It is recommended that Lambton conduct another Inclusivity Assessment in 5 years to assess progress and identify what further change is needed.

## 7.2 Perceptions of hiring and advancement

The online Employee Inclusivity Survey asked employees about their perceptions of the recruitment and selection process.

**Graph 3. Perceptions of the Hiring and Selection Process.**



As Graph 3 shows, survey respondents did not express a great deal of confidence that the College has fair and consistent hiring and advancement processes. As the graph shows, just under half of the survey respondents (47%) agreed that when Lambton hires new staff, fair processes are consistently followed. Only 40% believed the same for when new faculty are hired. In addition, 50% survey respondents agreed that nepotism, and 62% that favouritism, has a significant impact on who is hired and who advances at the College.

When asked to comment on the hiring and advancement process at the College, a number of employees shared that they aren't involved with and therefore don't have an opinion about the hiring process. Others also shared that based on their experience, the College has a fair process that supports the hiring of the best person for the job. Some commented that they had benefitted from favouritism in hiring for their career advancement.

There were also a number of employees who share their perceptions that hiring and advancement at the College is relationship based, and influenced by nepotism and favouritism. Some shared their perceptions and experiences of nepotism impacting the hiring process, with a number describing it as rampant throughout the College:

*I have been told to do their paperwork first because they are so and so's relative—pull out the red carpet.*

*I, and many others, have witnessed discrimination (not based on minority, but based on nepotism and/or favouritism) and it is not an easy thing to call out as*

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*the college community is very tight knit. I am not confident that anything would be done.*

*Nepotism is rampant at the college. Very clearly it is "who you know, not what you know."*

Others shared their perception that favouritism impacts the hiring process:

*Our hiring process is simply corrupt... The hiring manager knows who they want to hire before the interviews begin and it is catered to the extroverts.*

*Favouritism is key to hiring. There's no consistency for hires at any levels – part time instructors were hired in the hallway because they were available tomorrow – if you know this guy you can work at Lambton.*

*[At the College] it is very much a culture of "it's all who you know".*

Related to the issue of nepotism is the perception that in order to hire their preferred candidate, hiring managers ignore or manipulate the hiring process:

*Job postings seemed to be worded for the preferred candidates on occasion. Highly trained staff are denied interviews.*

*Favouritism, nepotism, and other loop holes are often used in hiring practices. There isn't a standard outline of how postings get rolled out. Some leadership postings sit for a month, while others close in a week. Some jobs are shared college wide, while others are intentionally left out to decrease risk of applicants, so a preferred candidate can be selected. During layoffs, valuable employees were also let go, and deemed unsuitable for other roles within the college, despite experience and high level education. Policies are supposed to be in place for a reason, but the College seems very apt at finding loopholes to avoid following protocols. No recourse, procedure or even transparency about these processes.*

*Lambton uses the buddy system. If you are close to senior leadership, and follow along, you will get hired. Credentials and experience mean nothing. In some cases the process is solely for optics, the process is not followed fairly. Also, managers have power in the interview process and on the panel and often influence who is hired. Also, for many positions, there is no process, people are appointed.*

*Our colleagues have been working for years as successful part time employees and do not get the jobs when a full-time job comes up—good enough to do 6 part time jobs, but not good enough to do a full-time role.*

Some went further and identified the issue as the "old boy's club". They shared their perspective that this limits the advancement of women in particular, with men being appointed to positions over fully qualified and experienced women. As some commented:

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*I think that leadership roles, especially more recently, have been harder to get if you're a woman than a man. I also think that when a woman is promoted into leadership, her position is more scrutinized and she is made to prove herself more than a man would have to. Examples of this are leadership roles that were just given to men without a formal interview process whereas women who have been in active leadership roles have had to go through an extensive, multi-level interview process to advance to the next level.*

*There are countless examples of people losing out on positions because they aren't friends with the men's sporting/coaching community.*

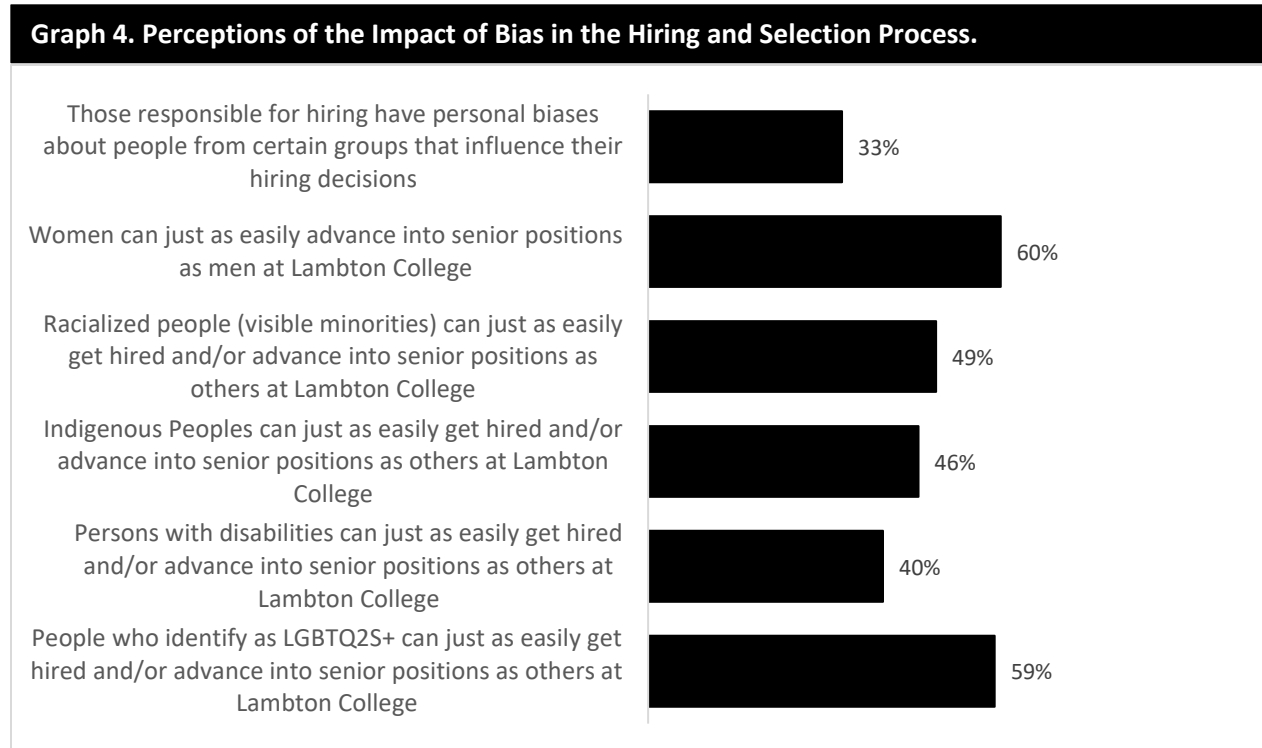
*[He] said, hey, do you want to work at Lambton College? You're unemployed now. He said, yeah, sure, I never thought of teaching. [He] chair goes into.... [a key person's] office and says, "I got a guy you got to hire." They hired him. He went from part-time faculty to full-time faculty within a year to two years. He gets a gravy gig.... So you see people with these sort of glass elevators just making their way the top with no interviews in the old boys' club.*

The survey respondents provided a number of examples of men being appointed to both staff and faculty positions without a competition, and in some cases without meeting the minimum requirements of the job. A number shared the impact this has had on their morale and loyalty to the College, with some sharing that they have begun to look for employment elsewhere because they don't feel that they will be able to advance at the College, despite their skills, knowledge, and experience.

A few people shared little concern about nepotism or favouritism, and in fact justified hiring based on relationships. They shared that it is natural, particularly in such a close knit community, that one would support those with whom they have formed close personal relationships with to advance. In addition, a few justified appointing people to positions to avoid the time and expense of a competitive recruitment process.

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Survey respondents were also asked about whether personal biases about people from certain groups influence hiring decisions.



As Graph 4 shows, 33% of respondents agreed that those responsible for hiring have personal biases about people from certain groups that influence their hiring decisions. A few employees shared that at Lambton, there is a focus on hiring people who exhibit certain behaviours, including confidence, self-promotion, and the ability to make good eye contact. The focus on assessing a person's style of communication can create a disadvantage for women, people not from the dominant North American culture, and some persons with disabilities, and can undermine the merit-based hiring and advancement of fully qualified and competent people.<sup>53</sup> These characteristics are also more likely to be demonstrated by men from the dominant culture than by men from other cultures, as masculine norms differ across cultures.<sup>54</sup> This focus on personal behaviours does not support the hiring of members from the designated groups and does

<sup>53</sup> Chamorro-Premuzic, T. (2013, August 22). Why do so many incompetent men become leaders? *Harvard Business Review*. <https://hbr.org/2013/08/why-do-so-many-incompetent-men>

<sup>54</sup> Chen, S. (2016, July 5). *Chinese tradition of humility and self-effacement disguises people's true emotions, research suggests*. South China Morning Post. <https://www.scmp.com/news/china/article/1985661/chinese-tradition-humility-and-self-effacement-disguises-peoples-true>

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not signal that managers should be inclusive of people with different communication styles.

While 60% agreed that women can just as easily advance into senior positions as men at the College, fewer than half of the survey respondents believe that racialized people (49%), Indigenous Peoples (46%), and persons with disabilities (40%) can just as easily get hired or advance. However, 59% believed the same for employees who identified as LGBTQ2S+.

In the comments shared about biases in hiring, a few women noted that being young created an additional barrier to hiring and advancement because of hiring managers' sexist and misogynistic attitudes. They shared participating on hiring committees and hearing managers engaged in coded discussions about whether someone will get pregnant or whether they will be able to travel because they have young children at home. Some employees shared their experiences of the comments people make when they are taking maternity leave, particularly when you have more than one child. As a few women commented:

*I have been asked in multiple roles I have had here if I will be having kids in the future and how many. This is inappropriate. I have also been denied a job because the hiring manager thought I just wanted a full time job and would be using it as a "stepping stone" to a better full time job in the near future... this isn't right.*

*There is a lack of transparency. Some positions are posted, others are simply awarded and announced via email. Some have been asked "how their husbands feel" about them potentially taking on a promotion. There are many examples of discrimination based on gender over the past several years.*

Some also shared their concern that while Lambton College has a stated commitment to employment equity and diversifying the workforce, it has not been operationalized in the hiring process, and at times hiring managers work against these commitments. They shared their experiences of being involved in the hiring process, with members of the hiring panel arguing that a woman is not right for the job because she is too young, or a racialized person not being "the right fit," despite their qualifications and years of experience and being the stronger candidates. As one person commented:

In addition, a number of employees shared their concern that there is gap between the diversity of staff and faculty, and the diversity of students, particularly with respect to Indigenous Peoples, racialized people, and persons with disabilities. These employees were also concerned that people from diverse backgrounds tend to be most often hired into precarious positions (e.g., as part-time faculty and on contract), and have little access to well-paying, permanent positions at the College.



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There were also those who shared the opposite perspective—that Indigenous Peoples and members of the equity-seeking groups do not experience any disadvantage in the hiring and advancement process. Instead, they felt that unqualified people from these groups are hired and that straight White Christian males are the ones who are at a disadvantage:

*Yes, the only group of people who experience discrimination or are disadvantaged are white people, or more specifically, straight white Christian males. When applying at Lambton College, the applicant is asked if they are non-white, disabled, first nations or LGBTQ+. There's also wording in our strategic plan that says our workforce should be representative of the community we serve. What does that mean? We no longer hire based on merit?*

*And I think a lot of really bad hires or non hires happen because we want diversity and equity, and it's in our strategic plan. But it feels like a lot of the things that come from upper middle management are checkbox things.*

A few respondents to the online survey also noted that the College does not accept equivalencies and instead values recent educational credentials over years of experience, leaving many employees with the skills and abilities to do the job, yet unable to advance at the College. This creates an unfair advantage for younger workers while simultaneously creating discriminatory barriers for older workers. Some also noted that while credentials create a barrier to advancement for some, when the hiring manager has a preferred candidate, the stated credentials needed for the job are overlooked. As some employees commented:

*On occasion experienced staff are over looked for new positions because their credentials are older. However, they have shown decades of strong, competent work and an ability to learn and change.*

*Further to the above, there have been staff, faculty, and managers hired without the credentials required for the job while those same credentials are roadblocks for other applicants who are otherwise capable of getting an interview.*

### **Implications and Recommendations**

Recommendations to address the need for Lambton to more clearly focus on a candidate's skills and abilities when hiring have been made in prior sections of this report. In addition, recommendations to address the myths and misperceptions about EDI are included in subsequent sections.

The perceptions shared by survey respondents indicate that not only does the hiring process need to be strengthened, but more needs to be done to increase employees' confidence in the recruitment and selection process. The perception held by Indigenous employees and employees from the equity-seeking groups that the process is unfair will

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create barriers to diversity even after more equitable policies and practices are put in place.

**Recommendation 51:** It is recommended that changes to improve the recruitment and selection process be made and communicated to employees to increase their confidence in the hiring process.

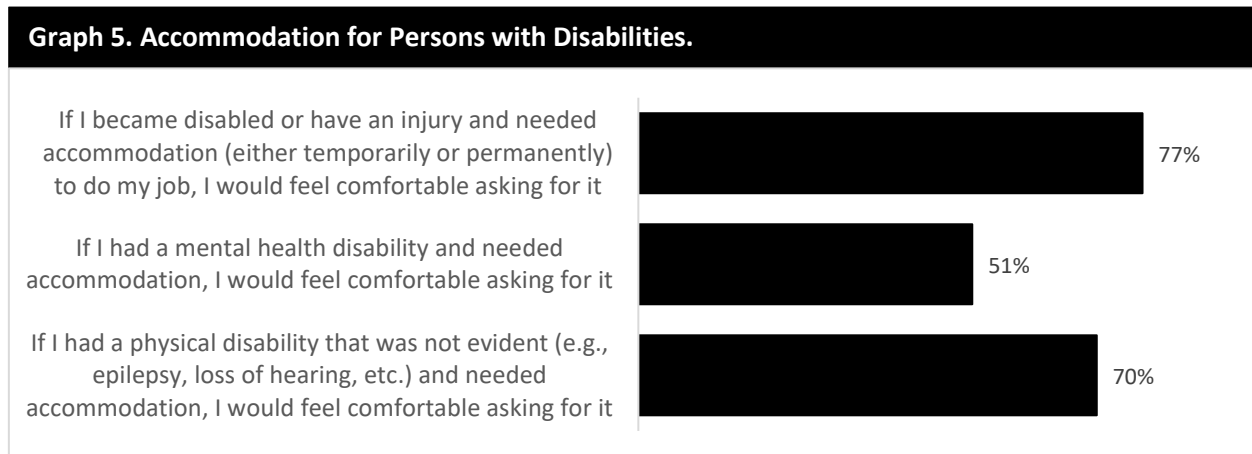
**Recommendation 52:** It is recommended that the Recruitment and Selection Policy be revised to require that vacant positions be filled by a competitive process and to identify only a few exceptions in which a vacancy may be filled without a competition. The policy should indicate that when a position is not being filled by a competitive process, the hiring manager should be required to develop a business case that must be approved by a senior leader.

**Recommendation 53:** It is recommended that a Workforce Census be conducted to assess the diversity of the Lambton workforce relative to that of the labour markets from which it hires and that targets be established to fill any gaps in representation of Indigenous Peoples and the equity-seeking groups.

### **7.3 Accommodation**

#### **7.3.a Accessibility and accommodation for persons with disabilities**

The Employee Inclusivity Survey asked employees about accommodations for persons with disabilities.



As Graph 5 shows, when asked about accommodation 77% agreed that if they became disabled or had an injury and needed accommodation to do their job, they would feel comfortable asking for it; 70% would ask for accommodation if they had a physical disability that was not evident. However, only about half (51%) agreed that they would feel comfortable asking for accommodation if they had a mental health disability.

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The survey asked employees who have requested accommodation to share their experiences, both positive and negative, with the accommodation process. A few individuals indicated that they did not want to share their accommodation experience out of fear that they could be identified and that their comment would negatively impact their employment.

A number of employees shared very positive experiences of requesting and receiving accommodation, such as the following:

*I didn't end up needing much of an accommodation. I spoke with [my manager] a couple times about the possibility and what exactly could be done, and she was excellent and made me feel much more at ease about it all.*

*I'm in the middle of it now and my manager... is amazing, supportive and compassionate. I feel very fortunate... I know that not everyone has had the same positive experience that I've had.*

*Very positive process and outcome to the accommodation request. The college has shown to be very inclusive and understanding with reasonable accommodation requests.*

However, many more employees shared negative experiences requesting and receiving accommodation for a number of reasons, including the following:

- Poor past experience

*My experience in accommodation has actually left me somewhat traumatized. I was forced back to work before I was able to seek the help needed due to being waitlisted and when I finally did start getting help it impacted work. I have been treated differently ever since and I see indifference and inequality almost daily from my manager. I was brought into a room and yelled at asking if I even wanted my job anymore at a point where I didn't even care if I was alive and my manager knew that.*

*At the time, it was extensive and harmful to my condition. I was treated as a liar and without particular care...*

*I had... surgery. No back to work plan presented. Accused of not having surgery and discipline was attempted. It was eventually dropped.*

- Concerns about impact on job security and future opportunities, particularly if they don't have a permanent position at the College

*Due to lack of job security, I would never feel comfortable asking for an accommodation.*

*I have [a lot of] sick days, I don't take them, there is no safety net. I would be in the class with a broken leg because there is no safety in using sick time [as a part-*

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*time instructor].... there is a stark difference from a full-time position compared to the impact on part time staff*

- Fear of reprisal
- Stigma associated with disabilities, particularly mental health disability

*I still believe a stigma exists around those with mental health disability and families, or those that require an accommodation in the workplace.*

- Fear of backlash from colleagues

*There are concerns about what others will think in the department especially if they have to perform extra work due to the accommodation. Will my supervisor overlook a promotion or feel that I am not a good employee? Assign work that is below my capabilities? Will the workplace need to make significant and costly adjustments to support me in the workplace? This may eliminate inclusiveness and create a sense of unfairness whether perceived or actual.*

Some employees also shared that accommodation and flexibility depends on one's manager and one's relationship with them. They also felt that approvals for time away from work were based on the reason, with family responsibilities given less importance (e.g., time was granted to an employee to meet with a contractor doing work on the employee's home, but time was not granted to an employee to pick up their sick child).

While a number of employees shared that their manager or Human Resources acted as the barrier to their receiving accommodation, a few also shared that co-workers created the barrier for them. As one person commented:

*I noticed that some of my coworkers are not very accommodating even when asked to make simple/easy changes that would help me, or just when observing that I need to do things a bit differently than everyone else. This makes me very uncomfortable in talking about or requesting any accommodations I may need. It is like being back in high school and not being able to show weakness or you're singled out. Supervisors have been somewhat more supportive than certain coworkers but they do not educate coworkers on how to treat people who are different.*

A number of employees also shared their resistance to getting the COVID-19 vaccination or disclosing their vaccination status, and shared their own experience and the experience of colleagues requesting and receiving accommodation.

*I have refused to comply with revealing my vaccination status as I feel it violates my right to privacy and goes against the Charter of Rights and Freedoms and Ontario Human Rights Code. I had to twist people's arms to allow me to continue to work from home until the end of the year, but it looks like come January they*

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*will be putting me on unpaid leave and then ultimately have me fired. This doesn't sound too inclusive to me.*

*Many employees applied for both medically and creed-based exemptions and they were all blanket denied and not offered any sort of accommodations. They have demonstrated coercing employees to go against their conscious and by forced medical procedures. Some people did get vaccinated under complete duress and pressure. Others have been forced to take unpaid leaves. No exceptions, no liability, no consideration of one's livelihood.*

There were also employees whose comments reflected their lack of understanding of the College's duty to accommodate based on any human rights protected ground, as well as employees who expressed their lack of support for accommodations, particularly when the accommodation of one employee impacts other workers. As one person commented:

*We have people who take the accommodations too far and this impacts others in the workplace. There are those who believe that accommodations are provided when they are absolutely necessary and only for the duration that is absolutely necessary or it becomes an almost crutch! ... As a result, there is often more work put on someone else because of an accommodation that is questionable at best.*

A number of survey respondents also commented on a range of accessibility issues at the College, which would create barriers and challenges to employees with disabilities. These comments included the following:

- Accessibility issues in washrooms

*Accessible washrooms are hard to come by. In some, it seems that the setup would not work for someone in a wheelchair (e.g. soap dispenser out of reach).*

*We are getting better with the building upgrades, but I know students who use wheelchairs and motorized devices struggle to reach the soap dispensers that were placed behind the paper towel dispensers on the washroom walls.*

- Poor lighting

*Poor lighting in old building. Would be difficult with mobility issues with only the single elevator.*

- Ramps

*I feel like the College does a good job of ensuring things are accessible except for the ramp going into the Library.*

*The library ramp is impossible to navigate. It means that some students aren't able to access the library.*

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- Distance to access elevators or ramps

*The sheer distance someone needs to travel to access a ramp, elevator, or an accessible door is too far.*

- Doors

*We need to replace some of the old heavy classroom and office doors that won't stay open and don't have automatic buttons.*

*I find the campus to be hit or miss with accessibility. There have been numerous times that an automatic door opener isn't working.*

- Access to certain spaces, including classes and labs

*Some indoor spaces are difficult to navigate as well. The front/main hallway that connects A building to B building is especially difficult - there's a ramp/hill that is often slippery. I can't imagine that using a wheelchair or cane would be easy in that space*

- Inadequate directional signage, and
- Need for more accessible parking that is closer to the main entrances.

In addition, some commented on the impact of construction, which they feel has limited the accessibility of the campus. As they noted:

*With construction access has been limited for everyone. Staff now have the ability to use alternate entrances but students must use the A1 entrance. If a student with a physical disability has a classroom in E, they have to walk through the entire building which can be exhausting and near impossible for some.*

*Construction, construction, construction and everyone in the same hallways is concerning or would be if there were more people on campus. Is there enough room and width for a wheelchair?*

### **7.3.b Religious accommodation**

The Employee Inclusivity Survey asked employees whether they would feel comfortable asking for religious accommodation should they need it—only 51% agreed that they would.

Employees were also asked about their experiences related to the use of the prayer space on campus. While many commented that they did not know that there was prayer space on campus, a number shared their concerns about the prayer space available. Two key issues were raised:

- Size and location

*The prayer space is a tiny room tucked away in the basement.*

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*Throwing it in the far reaches of the basement suggests the college places little importance in it.*

*What exists is tucked away in the basement. Not very inclusive.*

*You need breadcrumbs to find it so you don't get lost on the way back. It's tucked away in the basement and it's too small to accommodate anyone.*

- Appears not to be inclusive of all religions

*I personally don't use it, and it does seem to be a 'Christian' space - not sure what is available to our students of other faiths.*

*It should be a multi-faith space but appears to be predominantly promoted as a Christian space.*

*There are no areas for folks who are Muslim to properly practice their cultural practices. We do not have a space where folks can comfortably wash their feet.*

In addition to expressing opposition to accommodation generally, some survey respondents expressed their lack of support for religious accommodation as well as discriminatory attitudes toward non-Christian religions, stating:

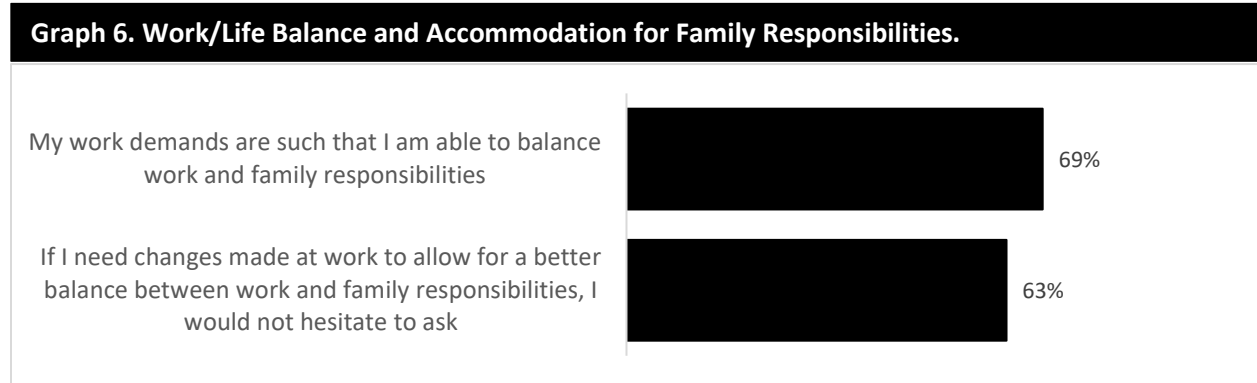
*People should not be asking for religious accommodations. Such accommodations are unfair to atheists or people of other religions who have to obey the rules that they have to obey. Everybody should be treated the same. We should not be favoring people of one religion or another.*

*This is a secular College. Prayer space should be in churches, mosques, homes.*

*Prayer space?! Prayers do not belong in a secular institution. There are thousands of religious groups out there...Where can I sacrifice my animals at Lambton College? It is mindboggling to imagine that religious organizations, who have a horrendous track-record with respect to not just discrimination but active persecution of minorities get a "space" on campus.*

### 7.3.c Work/life balance and accommodation of family responsibilities

Graph 6 shows employee responses to questions on the Employee Inclusivity Survey about work/life balance and accommodation for family responsibilities.



As the graph shows, 69% of survey respondents agreed that their work demands are such that they are able to balance work and family responsibilities, and 63% agreed that if they needed changes made at work to allow for better balance between work and family responsibilities, they would not hesitate to ask.

A number of employees shared their experiences of having a good work/life balance at the College:

*Lambton is a wonderful place to work. My work/life balance could not be better.*

*Lambton College has shown me what true work/life balance truly means.*

*Extremely positive experiences thus far and very grateful to be an employee.*

*I think work/life balance is important. I think it leads to better attitudes at work and makes staff more productive. I like that Lambton has a pretty forward-thinking approach to work/life balance and hope it stays that way.*

However, many more shared that they and their colleagues don't have work/life balance, largely because of increasing workloads and shrinking employee numbers. Some also suggested that overwork is part of the culture of the College, and that working long hours is an expectation of the job. They shared the impact of increasing workloads not only on their work/life balance, but also on their mental health and loyalty to the organization:

*Roles have taken more tasks/responsibilities—the “doing more with less people” idea—we need to be cautious here—employees will leave if work/life balance cannot be met.*

*There has always been a sense that if you are not working to your absolute limit, you are lazy. Faculty who work regular hours are looked on as less than by senior*



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*leadership. [Some senior leaders are] workaholics and expect everyone else to be one too.*

*The expectations are high for employees, I think most employees would agree to that. It is a very fast paced, constantly evolving and improving type of work environment. Sometimes it is hard to ask for help to resolve work-life balance issues because it feels like everyone is in the same position with so much on the go and a heavy workload. Also, I personally don't want to miss out on being a part of the overall vision of Lambton College so I have a hard time asking for help. I do know that if I did, I would be supported without a doubt. To be honest this also makes me less interested in asking for help, I truly appreciate the supportive nature of Lambton College.*

When asked about the impact of COVID-19 on their work/life balance, employees shared having had a range of experiences. While it is challenging, employees with young children appreciated being able to work from home, particularly as their children were learning from home.

*I feel proud to work at Lambton during the pandemic. They really tried to work with their employees to ensure a work/life balance. Many employees have children so having the flexibility to work from home or school when dealing with covid-19 has taken off some pressure.*

*Some days were more adventurous than others, but over all my experience has been good. Homeschooling children and working from home full-time is not something that many individuals would ever sign-up to do!*

There were also those who saw a great deal of value and benefits in being able to work from home. They share saving time, money, and frustration with the elimination of their commute and expressed hope that the option will be available to them post-pandemic:

Some also shared that the option to work from home only served to blur the boundaries between work and home, and increased the amount of time they spent working, which negatively impacted their work/life balance:

*I think COVID-19 has had a significant impact on my work/life balance. When working from home, there is not boundaries for when work is done. It seems like you are working all the time.*

*COVID-19 has definitely made life worse for everybody, not just me. I console myself by remembering that I am lucky to have a job unlike the millions who have lost theirs because of the disruptions caused by the pandemic.*

*It is the worst episode of my (long!) work-life.*

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*COVID-19 has made what was already terrible into something completely unsustainable. My fear is that the college will now see this as the new norm.*

*Working from home greatly affected my mental health. I am glad to be back on campus.*

For faculty in particular, teaching online created a great deal of stress and additional work. For many it was challenging and took a great deal of additional time to create a good learning experience for students in the virtual world—time some feel has not been acknowledged or appreciated by the College.

*Covid 19 was a nightmare to work-life balance. Within 2 days we were expected to "pivot" to online. Then for the fall 2020 semester we were expected to convert everything to online and some things cannot be taught online.*

Employees also shared their concerns about the long-term impacts of COVID-19 and how it will change work at the College:

*We will not have good work-life balance for several years after this because of the impact of lost learning in elementary and secondary schools. Students are not prepared academically, have greater mental health needs, have lost routine and accountability for learning. In certain programs, we have to make up for these deficits somehow as the required learning is vast.*

*Our team hit the ground running, proving our value from the get-go—not missing even one beat, and in fact, gaining ground in the earliest and hardest days. We performed so well that it would be extremely difficult for any leader to force us back. So much so, our leader who has spent the most time back on campus so far, has communicated how difficult it is for them to focus on campus—and that they have felt their own productivity go down since returning—and that all of us should give ourselves some grace as we transition back. So, that's good to keep in mind as I find myself on campus more and more. Fact is, we killed it when we were home... so, flexibility is key to keeping me happy these days. I will always get the job done, but I no longer want just input into how that happens. I have earned that trust. I feel like my leader has met my expectations for achieving my work/life balance, but I would be very afraid if they ever left. I know so much of this is about individual people.*

### **Implications and Recommendations**

The consultations with employees highlight the need for the College to do more to meet its legal obligation to accommodate employees based on any Code-protected ground, as well as to educate managers about their obligations and employees about their rights. Many employees shared their negative perceptions of and experiences with the accommodation process.

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Lambton can do more to create a sense of inclusion for all employees by educating employees about their right to religious accommodation, acknowledging a wide variety of religious and cultural celebrations, and educating employees about the diverse religions and cultures of staff and the communities served. The College can further promote inclusion by making it a policy to not schedule meetings on major religious holidays. This will save employees from having to ask for individual accommodation and saves the organization the time and resources required to reschedule these meetings.

**Recommendation 54:** It is recommended that Lambton continue to educate employees and managers about mental health issues in order to destigmatize mental health and thus increase the likelihood that employees will seek and receive the needed accommodations.

**Recommendation 55:** It is recommended that Lambton address religious accommodation either within the Accommodation Policy or through a separate Religious Accommodation Policy, and that Lambton state its legal obligation to provide religious accommodation, short of undue hardship, and normally relates to breaks, prayer space, scheduling of shifts, and scheduling of interviews. The policy should identify the roles and responsibilities of Human Resources, managers, and employees. It should also clearly state that any reprisal against an employee for requesting or receiving accommodation is a violation of the policy.

**Recommendation 56:** It is recommended that Lambton educate employees about a variety of religious and cultural celebrations, and inform employees of the College's obligation under the Ontario *Human Rights Code* to provide accommodation based on religion, including examples of religious accommodation and how to request this accommodation.

**Recommendation 57:** It is recommended that Lambton share a calendar of significant religious holidays and communicate to managers that they should refrain from scheduling meetings on major religious holidays.

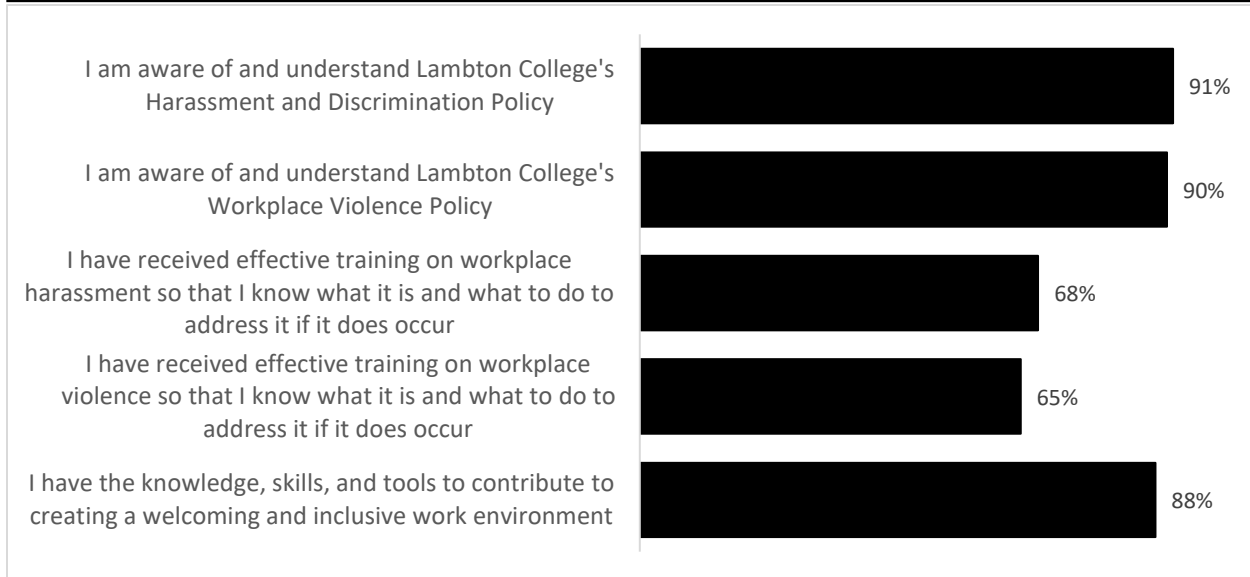
**Recommendation 58:** It is recommended that Lambton develop and share guidelines on how to hold inclusive meetings, both virtual and in person, to ensure that persons with disabilities do not repeatedly have to ask for accommodation.

## 7.4 Respectful work environment

### 7.4.a Workplace harassment and discrimination prevention policies and programs

The Employee Inclusivity Survey also asked employees to share their perspectives about harassment and discrimination in the workplace.

**Graph 7. Awareness of Workplace Harassment and Discrimination Prevention Policies and Programs.**



As Graph 7 shows, employees' responses to the survey indicate that the College has done a good job of educating employees about its anti-harassment, discrimination, and workplace violence policies. The vast majority of respondents reported that they are aware of and understand the College's policies that deal with workplace violence, discrimination, and harassment. Smaller proportions agreed that they have received effective training on workplace harassment (68%) and workplace violence (65%) so that they know what harassment and violence are and what to do to address them if they do occur.

Despite these lower numbers, 88% reported that they feel they have knowledge, skills, and tools to contribute to creating a welcoming and inclusive work environment.

### 7.4.b Resolution of harassment and discrimination

Employees were next asked about the mechanisms for resolving issues of harassment and discrimination.



Graph 8 shows employee responses to questions regarding their confidence that their workplace harassment and discrimination concerns will be addressed. Seventy-nine percent agreed that the person they report to would effectively handle an issue of workplace violence or harassment if it did occur, but fewer (67%) agreed that workplace harassment and discrimination are not tolerated at Lambton College or that senior leaders create a respectful and welcoming work environment for all employees (64%). While 68% agreed that they know what to do to resolve an issue of workplace harassment or discrimination, 62% indicated that if they experienced workplace harassment or discrimination that they could not resolve on their own, they would feel comfortable filing a complaint. However, only half (49%) believed that if they did file a complaint of workplace harassment or discrimination, it would be handled appropriately.

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In their comments, some employees shared having raised issues with their manager, or making a formal complaint and having the issue addressed. Many more employees raised their concerns about making a complaint of harassment for a number of issues:

- Fear of reprisal and the impact on their job security and future advancement opportunities

*If I complaint I'd expect to be fired in about 3 months.*

*Part time employees will likely feel uneasy about raising concerns due to tenuous employment.*

*The college requires a complete overhaul of their discrimination and harassment policies. There is a significant culture of fear and reprisal that prevents individuals from bringing forward concerns or advocating for themselves. Victims of discrimination or harassment have their concerns dismissed or turned against them. "Victim blaming" is the leading method used by the college to prevent discrimination and harassment.*

- Concern that complaints about managers and senior leaders are not appropriately addressed

*I feel like I would be seen as the problem and managers would rather help other managers.*

*There is a huge disparity with how concerns are handled based on who is involved. Leaders trump employees. Complaints against leaders are treated as minor and often found to be unwarranted. Complaints against employees, even when minor in nature, are treated as capital offences necessitating extensive investigations.*

- Negative past experience

*After much debate and stress as well as trying to work through things with a colleague, years ago, I did go ahead and file a complaint. Nothing has ever been resolved, it has driven a deeper wedge and this has followed me throughout my entire career sadly... It has not been a good experience and I would never do that again and have not.*

*Yes, I was harassed and nothing was done about it—expressed my feelings to my supervisor and he did not keep it professional. I do not feel comfortable filing a formal complaint as I feel like it would not be handled properly and the complaint would create tension.*

*I've experienced a couple of instances where people were treated differently because of their race and each time I went to my manager it was basically dismissed.*

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- Fear of reprisal from harasser

*There is nowhere to hide from these people and I don't want to make them angrier.*

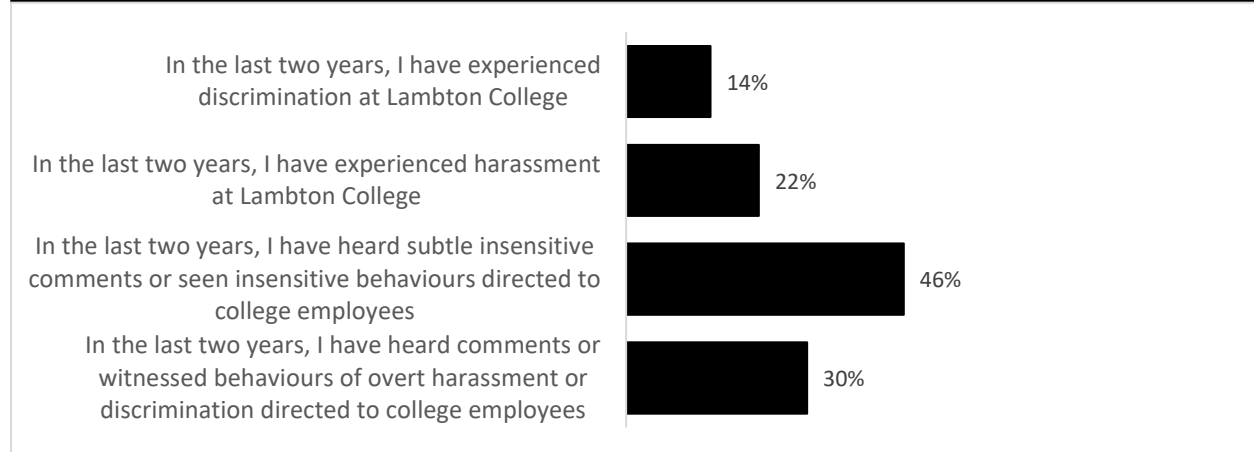
*Our college is small, so it feels dangerous to file complaints.*

- No trust in the complaint process

### **7.4.c Experiences of workplace harassment and discrimination**

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

**Graph 9. Experience of Harassment and Discrimination.**



As Graph 9 shows, 14% of respondents indicated that they have experienced discrimination at the College in the last 2 years. A larger proportion (22%) reported having experienced harassment at the College in the last 2 years. However, close to half of the respondents (46%) reported that they have heard subtle insensitive comments or seen insensitive behaviours directed to College employees. Thirty percent reported that they have heard comments or witnessed behaviours of overt harassment or discrimination directed to College employees.

A number of survey respondents shared their experiences of inclusion at the College:

*I feel very welcomed and included at Lambton college and from my perspectives I feel that everyone receives that same welcome, acceptance and appreciation.*

*From the moment I stepped onto campus at Lambton College I have felt as though this is an inclusive and safe space for all employees and students. In the last 2-3 years they have enhanced their inclusivity with flags, signage and PD sessions. Very happy.*

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*I love most of the people I work with. I truly do. They are like family to me. I would not feel this way if I didn't feel included. :)*

*I always feel welcome and included at the college. I feel like the majority of people are friendly and welcoming with any encounters I have with them. This includes such areas as reception, security, maintenance and janitors, faculty, support staff and administration.*

Women shared their experiences of sexist and misogynistic treatment by some at the College, including being belittled, talked down to, cut off, and shut down; and ideas shared by women being ignored. Women shared that they are experiencing bullying and disrespectful treatment by male colleagues who are causing a poison environment for the women on campus. These individuals change the way they communicate with women in the company of other men. These women shared feeling unsafe and “in danger” when around these individuals. They do not want to make a formal complaint because they believe it will make the situation worse and that the perpetrators will escalate their behaviour. They also shared that the College has tolerated the intolerance of this particular group of men and don't feel protected by the organization or individual leaders. They feel that the College has facilitated the ability of these men to organize, intimidate those who support EDI (women in particular), and share their racist and sexist views throughout the College, under the guise of “free speech”.

While a number of employees shared that they have supportive managers who address issues when they do arise, a number raised concerns that issues are not addressed by supervisors. Some also shared that it is the behaviours of the person they report to that creates an unwelcoming environment for them:

*I feel welcome by my peers and am happy to see them when I am at work. However, I have a great deal of anxiety about coming to work because of my manager and some days I will just not come in because I feel like the day is just going to be too hard. I don't feel valued.*

### **Implications and Recommendations**

While many survey respondents reported that they experience a harassment- and discrimination-free environment, that is not the experience of all employees. While inappropriate behaviours are likely to occur in any organization, the key is to ensure that the organization expresses its commitment to a harassment and discrimination-free work environment for all employees, that the organization has the processes in place to address issues when they do occur, and that employees have confidence in these processes. Given the input from Lambton employees, more work needs to be done on all these fronts.

**Recommendation 59:** Recognizing that many inappropriate behaviours can be stopped and their impact minimized if they are immediately addressed, it is recommended that



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employees and managers receive mandatory training that provides them with the knowledge and techniques for intervening when they do witness or learn about these behaviours.

**Recommendation 60:** It is recommended that managers be reminded through ongoing training and other means of their legal duty to foster a respectful work environment, to lead by example, and to act to stop harassment and discrimination when they witness or hear about it.

**Recommendation 61:** It is recommended that all employees be reminded through ongoing education and training of their right to work in a harassment- and discrimination-free workplace and the processes through which they can have their issues addressed.

## **7.5 Experiences of Indigenous employees and employees from the equity-seeking groups**

Focus groups with employees were held by identity group, with separate focus groups held for employees and managers in order to explore the experiences and perspectives of employees. While employee issues have been addressed throughout this report, we have used this section to summarize the experiences and perspectives shared by Indigenous employees and employees from the equity-seeking groups. We have done so in order to amplify their voices and identify the specific issues that these groups face at Lambton College.

Many focus group participants cautioned the facilitator on what information could be used in the report and the extent to which their comments could be quoted. Many participants spoke about their fears around job security and the possibility of reprisal from their co-workers or supervisors for speaking about their lived experiences at Lambton.

### **Indigenous Peoples**

- Lack of representation among staff and faculty, outside of the Indigenous Student Centre
- Inability to be able to smudge indoors without giving facilities a few days notice

### **Racialized People**

- Low representation among staff and faculty, outside of a few departments

### **Persons with Disabilities**

- Lack of representation
- Limited access to accommodation to support them to perform their best in their jobs

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**2SLGBTQ+**

- Unsafe to be out at work
- Isolation and loneliness working at Lambton
- Experiences of homophobic and transphobic comments

**Women**

- Discrimination based on sex, including not being hired because of pregnancy, assumptions that they would become pregnant, as well as assumptions about their child care responsibilities
- Barriers to advancement
- Sexist and misogynistic treatment
- Harassment.

**Additional Recommendations**

Human Resources staff play a critical role in advancing workplace EDI efforts at Lambton. As such, they need to deepen their understanding of EDI and their ability to support managers and senior leaders. As such, the following recommendations are made.

**Recommendation 62:** It is recommended that EDI training be provided to Human Resources staff, specific to their roles.

**Recommendation 63:** It is recommended that annual Action Plans be developed to ensure the implementation of the Inclusivity Strategy, that staff be hired to lead this work and support its implementation throughout the College, and that implementation be adequately resourced.

**8. Conclusions and Next Steps**

Canada as a whole is becoming increasingly diverse as the population ages and the country relies more heavily on immigration for population and labour market growth. In addition, Indigenous Peoples remain the fastest-growing population in the country. To remain vibrant and growing, the province and local communities must be welcoming and inclusive to people from diverse communities, backgrounds, and identities.

Lambton College, as a major employer and community partner in Sarnia-Lambton, plays an important role in leading by example to foster a more welcoming and inclusive community and workplaces throughout the region. In addition, diversity and equity in employment will allow the College to benefit from the creativity and innovation that a diverse workforce can offer, particularly if the College wishes to maintain its status as an innovative leader in applied research and education.

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As such, conducting this Inclusivity Assessment is an important step in Lambton's employment EDI efforts. While this is an important step, even more meaningful will be the thoughtful and well-coordinated removal of the identified barriers, led by courageous leadership, if sustained change is to be made.

## **Appendix A: Policies and Documents Reviewed**

Accessibility and Accommodation for All Persons Policy  
Accommodation Policy  
Assessing and Addressing Violence Policy  
College Occupational Health and Safety Policy  
Conflict of Interest Policy  
COVID-19 Vaccination Policy  
Determination of Working Relationships Policy  
Employee Credentials Policy  
Employee Discipline Policy  
Fit for Duty Policy  
Free Speech Policy  
Performance Evaluation Policy  
Policy Development, Revision and Publication Policy  
Professional Development Policy  
Recruitment and Selection Policy  
Reporting of Injury and Illness Policy  
Required Background Check Policy  
Respectful College Community Policy  
Return To Work Policy  
Sexual Assault and Sexual Violence Policy and Protocol  
Smoke Free Campus Policy  
Strategic Plan  
Supporting Transgender and Transitioning College Community Members Policy  
Vacations Policy

## **Appendix B: Recommendations Organized by Area of Focus**

### **Diversify the workforce at all levels**

**Recommendation 22:** It is recommended that the College ask applicants who identify as Indigenous or as belonging to an equity-seeking group to self-identify on their cover letter.

**Recommendation 23:** It is recommended that the College's equity statement be revised to include women, use updated language with respect to Indigenous Peoples, and encourage applications from all members of the 2SLGBTQ+ community.

**Recommendation 24:** It is recommended that an FAQ section be added to the Careers webpage in order to address questions related to accommodation in the selection process, to ensure that applicants know that accommodation will be provided based on any human rights protected ground (including disability, religion, and family status), and identify the types of accommodation available to them (for example, more time for the interview, rescheduling of the interview, etc.).

**Recommendation 25:** It is recommended that the Careers webpage inform job seekers that a policy records check is required for some positions and describe the process for obtaining a police record check.

**Recommendation 26:** It is recommended that all job ads indicate that qualified candidates must have the skills and knowledge needed to work with an increasingly diverse staff and student population, specific to the roles and responsibilities of the job.

**Recommendation 27:** It is recommended that an equivalent combination of education and years of work experience, informal experience, volunteer experience, as well as lived experience be accepted for positions that do not require a specific degree, certificate, or professional designation, and that those engaging in hiring are educated regarding assessing and considering equivalency, with screening and recruitment tools reflecting this.

**Recommendation 28:** It is recommended that the Human Resources Department ensure that the prescreening of résumés is consistently used to assess whether candidates possess the required skills and abilities for the job, and that the tools used for prescreening be included in the competition file.

**Recommendation 29:** It is recommended that the Interview Guides be updated to provide additional support to hiring managers to ensure consistent interview practices that comply with College policies, best practices for bias-free hiring, the Ontario *Human Rights Code*, and the AODA.

**Recommendation 30:** It is recommended that all interview questions be closely linked to the assessment of the knowledge, skills, and abilities of the candidate as it relates to the

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job. Interview questions should be cross-referenced with the job postings to ensure there is fidelity between the questions and the skills and qualifications laid out in the job posting.

**Recommendation 31:** It is recommended that look fors be prepared for each interview question to ensure that the assessment of the candidate's responses is consistent for each panel member, can be objectively assessed, and does not include any gender or cultural biases.

**Recommendation 32:** It is recommended that a pool of questions related to EDI be developed and that hiring managers be required to include one question relevant to the role to assess the capacity of prospective employees to lead, teach, work with, and support staff and students from diverse communities, backgrounds, and identities.

**Recommendation 33:** It is recommended that all members of a hiring panel be provided with instructions on the importance of keeping complete, verbatim notes on candidates' responses to interview questions to support the panel's ability to accurately assess each candidate.

**Recommendation 34:** It is recommended that all those involved in the hiring process be provided with training and ongoing support about bias-free, non-discriminatory hiring and the impact of unconscious bias, to ensure that only factors that are relevant to the candidates' ability to do the job are considered in the hiring process.

**Recommendation 35:** It is recommended that interview panel members be required to independently score the candidates' responses to each question prior to coming to a consensus with the other panel members, and that scheduling of the interviews include sufficient time after each interview to appropriately score each candidate.

**Recommendation 36:** It is recommended that when tests are used in the selection process, a scoring template be developed to support the consistent scoring of all candidates and to limit the impact of biases on the assessment of candidates. The test scores should also be used in the assessment of candidates and when making the final hiring decision.

**Recommendation 37:** It is recommended that test marking incorporate the best practice of anonymous scoring (e.g., the markers do not know the names of the candidates) in order to reduce the impact of bias.

**Recommendation 38:** It is recommended that the College ensure compliance with the Recruitment and Selection Policy by ensuring that educational credentials for job candidates are provided directly by the issuing institution.

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**Recommendation 40:** It is recommended that managers receive ongoing communication and education about the College's commitment to diversifying the workforce, the value that diversity brings to its work, and managers' roles and responsibilities to support this corporate objective.

**Recommendation 41:** It is recommended that a checklist be created to identify what information is to be maintained in the competition files and to ensure that each file is complete and sent to the Human Resources Department when closed.

**Recommendation 51:** It is recommended that changes to improve the recruitment and selection process be made and communicated to employees to increase their confidence in the hiring process.

**Recommendation 53:** It is recommended that a Workforce Census be conducted to assess the diversity of the Lambton workforce relative to that of the labour markets from which it hires and that targets be established to fill any gaps in representation of Indigenous Peoples and the equity-seeking groups.

### **Create equitable Human Resources policies and practices**

**Recommendation 1:** It is recommended that the Policy Development Revision and Publication Policy be revised to specify the need to develop and review policies through an equity lens to ensure that the policy supports EDI and complies with equity-related legislation, and to assess the policy's impact on Indigenous Peoples and members of the equity-seeking groups.

**Recommendation 2:** It is recommended that the Recruitment and Selection Policy be revised to:

- Update the equity statement to be included on each job ad
- Ask candidates to self-identify in their cover letter so that hiring managers can use this information in the screening process
- Include the need to include an accommodation statement on each job ad
- Require that hiring managers include diversity (including gender) on the interview panel, where possible, to reflect the College community and reduce unconscious bias
- Provide printed questions to all candidates at in-person interviews and post them in the chat when interviewing candidates virtually
- Specify the need to take verbatim notes of each candidate's responses to the questions and to score each candidate's response to each question
- Remove the option allowing the hiring manager to accept late applications at their discretion

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- Remove the requirement to greet people with a handshake, and
- Comply with the requirements included in the AODA Employment Standards.

**Recommendation 3:** It is recommended that the Reference Check Form remove the question related to the candidate's passion, and that it ask about the candidate's ability to lead, work with, or teach/support staff and students from diverse backgrounds, specific to the roles and responsibilities of the job.

**Recommendation 4:** It is recommended that the Required Background Check Policy specify that a background check should be a bona fide job requirement and provide a process to consider a positive criminal record.

**Recommendation 5:** It is recommended that the Human Resources Department ensure that background checks, including police records checks, are conducted for newly hired staff only when it is a bona fide job requirement.

**Recommendation 6:** It is recommended that information be included on each job ad if the position requires a police records check and that information be included on Lambton's website stating that a criminal record is not in itself a barrier to hiring. Instead, the information should state that if a qualified candidate has a criminal record, Human Resources will consider the nature, date, and extent of the criminal record to assess whether the candidate is suitable for the position. This section of the website can also state Lambton's acknowledgement that the criminal justice system historically and presently perpetuates injustices and barriers for specific groups, and that the College will keep this inequity in mind when assessing candidates.

**Recommendation 7:** It is recommended that the Employee Credential Policy be updated to address the need to accommodate refugees and others who may not be able to have the issuing institution provide an official record of their educational credentials.

**Recommendation 8:** It is recommended that the Return to Work Policy provide additional details on the annual review of the program, and state that the review will include feedback from employees and supervisors who have participated in the process, unions, and return to work representatives.

**Recommendation 9:** It is recommended that the Assessing and Addressing Violence Policy be updated to ensure full compliance with Bill 168, and that procedures be developed to support the policy's implementation.

**Recommendation 10:** It is recommended that the Sexual Assault and Sexual Violence Policy and Protocol be revised to:

- Specify the rights of the complainant and respondent in the investigation process



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- Include sexual assault services for Indigenous, 2SLGBTQ+, and racialized people on the list of available services
- Require the College to analyze the data on the number of reported incidents of sexual violence in order to identify trends and any further proactive measures that may be needed.

**Recommendation 11:** It is recommended that the Respectful College Community Policy be revised to address the identified issues and ensure full compliance with the Ontario Human Rights Commission’s guidelines for anti-harassment and anti-discrimination policies.

**Recommendation 12:** It is recommended that Lambton develop a separate policy and supporting procedures for employees to identify their specified name, if it differs from their legal name, upon hiring (and potentially even during interviewing), as well as procedures to support the use of their specified name unless use of their legal name is required.

**Recommendation 13:** It is recommended that Lambton make ongoing education available to employees and managers about the use of specified names and pronouns.

**Recommendation 14:** It is recommended that Lambton update its Supporting Transgender and Transitioning College Community Members Policy to address the needs of employees who may be transitioning at work and the requirement that an individualized plan be created for the employee.

**Recommendation 15:** It is recommended that the Accessibility and Accommodation for All Persons Policy be revised to include the obligations of the College to develop and maintain a multi-year accessibility plan and to make it available on the College’s website, as required by legislation.

**Recommendation 16:** It is recommended that the Accommodation Policy be revised to comply with guidelines from the Ontario Human Rights Commission.

**Recommendation 17:** It is recommended that during its policy review, Lambton College take the opportunity to use gender-neutral language in all its policies.

**Recommendation 18:** It is recommended that procedures be developed for each policy to guide their consistent implementation.

**Recommendation 19:** It is recommended that the College address its obligation to accommodate employees based on any human rights protected ground, not just disability, either by updating its Accommodation Policy, or by developing a separate policy.

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**Recommendation 20:** It is recommended that an Employment Equity Policy be developed to specify how the College will meet its commitments to employment equity, including how diversity is to be considered in the hiring process.

**Recommendation 21:** It is recommended that Lambton College develop a Scent-Free Organization Policy.

**Recommendation 39:** It is recommended that the proposed Employment Equity Policy commit Lambton College to creating a more diverse workforce, and that it be supported by procedures and guidelines for the hiring panel about how diversity is to be considered in the hiring process.

**Recommendation 52:** It is recommended that the Recruitment and Selection Policy be revised to require that vacant positions be filled by a competitive process and to identify only a few exceptions in which a vacancy may be filled without a competition. The policy should indicate that when a position is not being filled by a competitive process, the hiring manager should be required to develop a business case that must be approved by a senior leader.

**Recommendation 55:** It is recommended that Lambton address religious accommodation either within the Accommodation Policy or through a separate Religious Accommodation Policy, and that Lambton state its legal obligation to provide religious accommodation, short of undue hardship, and normally relates to breaks, prayer space, scheduling of shifts, and scheduling of interviews. The policy should identify the roles and responsibilities of Human Resources, managers, and employees. It should also clearly state that any reprisal against an employee for requesting or receiving accommodation is a violation of the policy.

**Create a more inclusive and respectful organizational culture**

**Recommendation 12:** It is recommended that Lambton make ongoing education available to employees and managers about the use of specified names and pronouns.

**Recommendation 42:** It is recommended that senior leaders and all people managers receive mandatory and ongoing training to ensure they are able to lead and foster a working environment that values and is inclusive to Indigenous Peoples and employees from the equity-seeking groups. This training should help senior leaders and people managers develop the competence and confidence to identify and address inappropriate behaviours when they do occur.

**Recommendation 43:** It is recommended that senior leaders and all people managers commit to, and be provided with, adequate supports, including anti-racism and anti-oppressive practice training, to enable them to demonstrate a greater personal and

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professional commitment to equity, diversity, and inclusion through behaviours and language that demonstrate inclusion and respect for all employees.

**Recommendation 44:** It is recommended that issues of equity and inclusion be embedded into all other training provided to managers and leaders, where relevant and appropriate.

**Recommendation 45:** It is recommended that Lambton ensure that it creates inclusive and safe workplaces that allow all employees, particularly those with hidden identities, to bring their full selves to work. This should include visual displays of positive spaces as well as training for managers and school administrators about their roles and responsibilities to create inclusive and welcoming spaces for all employees.

**Recommendation 46:** It is recommended that a communications/learning strategy be developed with the goal of:

- Increasing employee understanding of workplace equity, diversity, and inclusion
- Increasing employee understanding of barriers to hiring, advancement, and inclusion in the labour market generally and at Lambton more specifically, addressing the facts and myths associated with workplace equity, diversity, and inclusion
- Defining key terms and concepts, and
- Developing and communicating a business case for workplace equity, diversity, and inclusion that links the organization's diversity and inclusion efforts to its ability to serve an increasingly diverse community.

**Recommendation 49:** It is recommended that managers and senior leaders have equity, diversity, and inclusion objectives included in their performance plans.

**Recommendation 54:** It is recommended that Lambton continue to educate employees and managers about mental health issues in order to destigmatize mental health and thus increase the likelihood that employees will seek and receive the needed accommodations.

**Recommendation 56:** It is recommended that Lambton educate employees about a variety of religious and cultural celebrations, and inform employees of the College's obligation under the Ontario *Human Rights Code* to provide accommodation based on religion, including examples of religious accommodation and how to request this accommodation.

**Recommendation 57:** It is recommended that Lambton share a calendar of significant religious holidays and communicate to managers that they should refrain from scheduling meetings on major religious holidays.

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**Recommendation 58:** It is recommended that Lambton develop and share guidelines on how to hold inclusive meetings, both virtual and in person, to ensure that persons with disabilities do not repeatedly have to ask for accommodation.

**Recommendation 59:** Recognizing that many inappropriate behaviours can be stopped and their impact minimized if they are immediately addressed, it is recommended that employees and managers receive mandatory training that provides them with the knowledge and techniques for intervening when they do witness or learn about these behaviours.

**Recommendation 60:** It is recommended that managers be reminded through ongoing training and other means of their legal duty to foster a respectful work environment, to lead by example, and to act to stop harassment and discrimination when they witness or hear about it.

**Recommendation 61:** It is recommended that all employees be reminded through ongoing education and training of their right to work in a harassment- and discrimination-free workplace and the processes through which they can have their issues addressed.

**Additional recommendations**

**Recommendation 47:** It is recommended that Lambton better support all employees to understand the need and rationale for its equity, diversity, and inclusion efforts by sharing this report and the resulting Inclusivity Strategy with employees and by providing regular updates on its implementation.

**Recommendation 48:** It is recommended that once the Inclusivity Strategy is finalized, each department be required to prepare an Inclusivity Action Plan to specify the actions they will take to address the areas of underrepresentation and how they will support the achievement of the corporate objectives articulated by Lambton.

**Recommendation 50:** It is recommended that Lambton conduct another Inclusivity Assessment in 5 years to assess progress and identify what further change is needed.

**Recommendation 62:** It is recommended that EDI training be provided to Human Resources staff, specific to their roles.

**Recommendation 63:** It is recommended that annual Action Plans be developed to ensure the implementation of the Inclusivity Strategy, that staff be hired to lead this work and support its implementation throughout the College, and that implementation be adequately resourced.