



Ontario
Human Rights Commission
Commission ontarienne des
droits de la personne

P-676



Count me in!

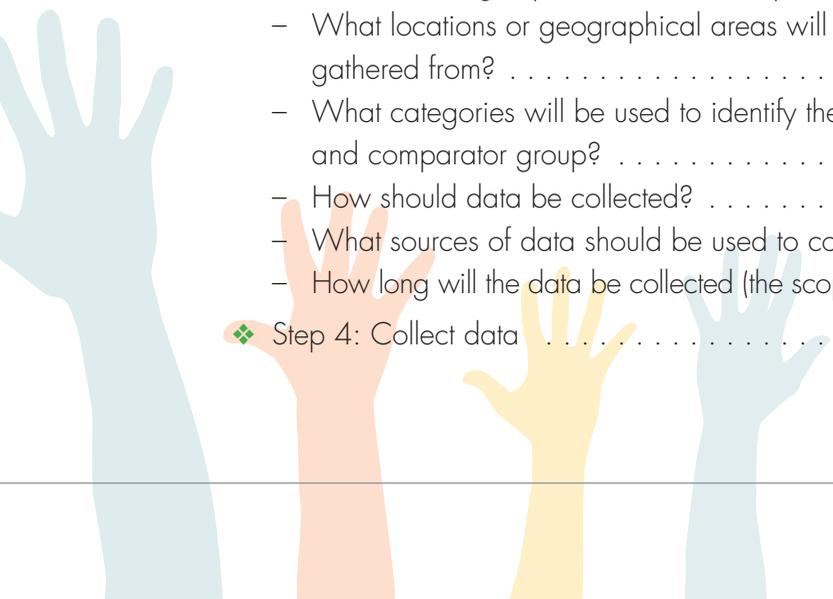
COLLECTING HUMAN RIGHTS-BASED DATA



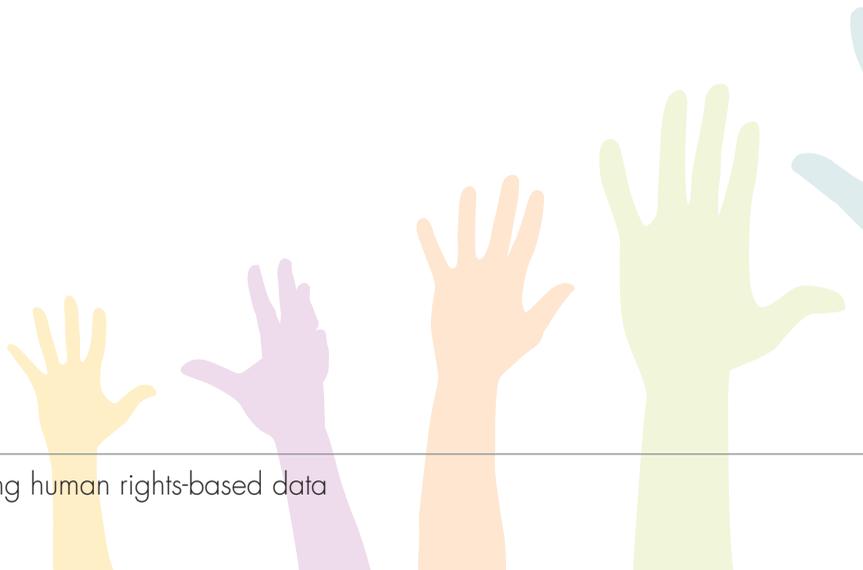


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Introduction

Many people think that collecting and analyzing data that identifies people on the basis of race, disability, sexual orientation and other Ontario *Human Rights Code*¹ (the *Code*) grounds is not allowed. But collecting data on *Code* grounds for a *Code*-consistent purpose is permitted, and is in accordance with Canada's human rights legislative framework, including the *Code*, the *Canadian Human Rights Act*,² the federal *Employment Equity Act*,³ and section 15(2) of the *Charter of Rights and Freedoms*.⁴ The Ontario Human Rights Commission (the OHRC) has found that data collection can play a useful and often essential role in creating strong human rights and human resources strategies for organizations in the public, private and non-profit sectors.

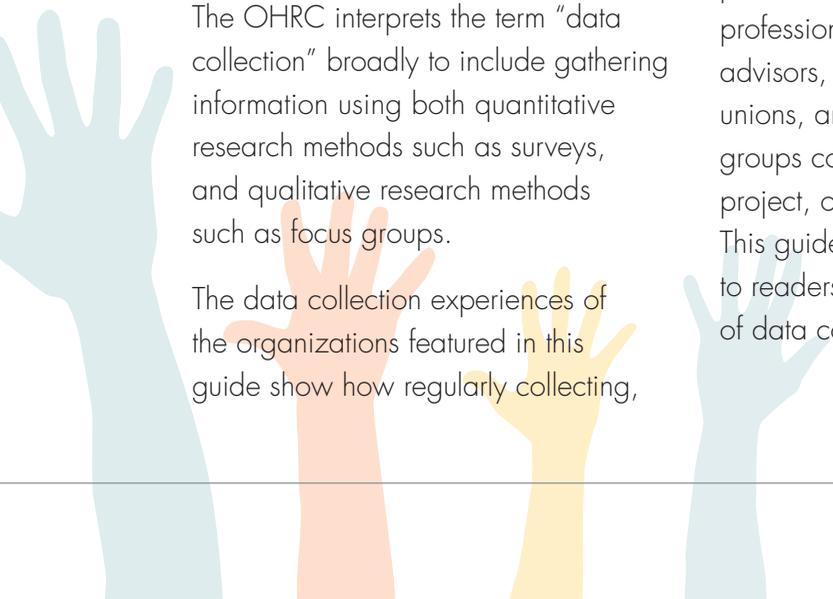
The OHRC interprets the term "data collection" broadly to include gathering information using both quantitative research methods such as surveys, and qualitative research methods such as focus groups.

The data collection experiences of the organizations featured in this guide show how regularly collecting,

tracking and reporting data can help organizations to:

- ❖ verify, monitor, measure and address gaps, trends, progress and perceptions
- ❖ proactively identify opportunities for improvement and growth
- ❖ attract, retain and motivate diverse, well-qualified people
- ❖ improve the quality of decision-making, service delivery and programming
- ❖ enhance perceptions of being progressive leaders in their sector or industry
- ❖ achieve organizational goals and strategic objectives.

This guide is intended to be a practical resource for human resources professionals, human rights and equity advisors, managers and supervisors, unions, and any other people or groups considering a data collection project, or seeking support to do so. This guide may be particularly helpful to readers with little or no knowledge of data collection.



Code grounds

Ontario's *Human Rights Code* prohibits discrimination based on the following grounds:

- race
- ancestry
- place of origin
- colour
- ethnic origin
- citizenship
- creed (religion)
- sex (includes gender identity, pregnancy and breastfeeding)
- sexual orientation
- age (18 years or more)
- marital status
- family status
- disability
- record of offences (only in employment)
- receipt of public assistance (only in accommodation).

People are also protected from discrimination based on intersecting grounds, when they are associated with someone who identifies with a *Code* ground, or when they are *perceived* to be a member of a group identified by a *Code* ground.

Non-Code grounds

From the OHRC's perspective, information can be gathered based on *Code* grounds and non-*Code* grounds (a category of data that is not listed as a *Code* ground), such as education. The main consideration is to make sure that any data collected is done in a way that follows accepted data collection techniques, privacy and other applicable legislation, and is collected for a purpose that is consistent with the *Code*. Examples could be to:

- monitor and evaluate potential discrimination
- identify and remove systemic barriers
- lessen or prevent disadvantage
- promote substantive equality for people identified by *Code* grounds.

Note: The sidebar examples and summaries found in Appendices A to F are largely based on in-depth interviews with representatives from organizations about their respective data collection experiences. The terminology used in these sections reflects the terminology used by each organization, and may not be consistent with terms the OHRC uses.

The guide will discuss the benefits of data collection, and will highlight key concepts and practical considerations for organizations thinking of gathering data on *Code* and non-*Code* grounds. Appendices A to F offer concrete examples of how non-profit, private and public-sector organizations have successfully developed and implemented data collection projects.

While this guide focuses mainly on collecting data in employment and services, the principles and approaches identified can also apply to other social areas where the *Code* prohibits discrimination – accommodation (housing), contracts, and membership in vocational associations (including trade unions).

Definitions used in this guide

Aboriginal peoples

A collective name for the original people of North America and their descendants.⁵ According to Section 35(2) of *The Constitution Act, 1982*, Aboriginal peoples of Canada are identified as Indian, Inuit and Métis peoples of Canada. They are recognized as three separate peoples with unique heritages, languages, cultural practices and spiritual beliefs.⁶

The OHRC recognizes that there is no single or “correct” definition of Aboriginal populations. The choice of a definition depends on how the information will be used. Different definitions are used depending on who developed the definition and the focus and requirements of the user. Each question will yield Aboriginal populations with different counts and characteristics.⁷

Disability

Section 10 (1) of the *Code* defines “disability.” “Disability” should be interpreted in broad terms. It includes both present and past conditions, as well as a subjective component based on perception of disability. Although sections 10(a) to (e) of the *Code* set out various types of conditions, they are meant to be examples not an exhaustive list. Protection for persons with disabilities under this subsection explicitly includes mental illness, developmental and learning disabilities. Even minor illnesses can be “disabilities” if a person can show they were treated unfairly because of the perception of a disability.

At the same time, people with an ailment who cannot show they were treated unequally because of a perceived or actual disability will be unable to meet the test for discrimination. It will always be critical to look at why someone is

being treated differently, to learn whether discrimination under the ground of disability has taken place.⁸

Diversity

Diversity refers to the presence of a wide range of human qualities and characteristics. The dimensions of diversity may include (but are not limited to) ethnicity, race, colour, religion, age, gender and sexual orientation.⁹

To ensure equality of opportunity, equity programs may treat some persons or groups differently when the situation in society precludes equal treatment.

Diversity initiatives

Diversity initiatives commonly refer to policies, programs and initiatives designed to promote representative diversity throughout organizations and communities. The OHRC sees measures like mentoring programs, human rights and equity training, anti-racism, anti-homophobia, anti-sexism and bilingualism policies as also being part of diversity initiatives. Such steps can promote diversity by attracting people from different backgrounds, abilities and orientations, and foster an organizational culture that is open,

welcoming and that respects people with different backgrounds, abilities and orientations.

Employment equity

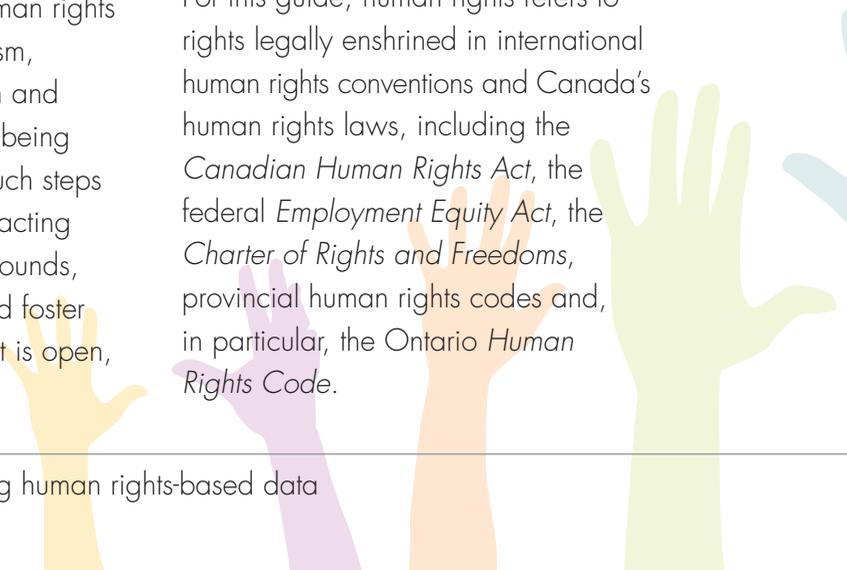
A program designed to identify and eliminate discriminatory policies and practices that act as barriers to fair employment. Networks, friendships and favouritism have shaped employment practices to exclude people who would otherwise merit the job. Employment equity promotes fair hiring and personnel practices to make sure that employees are hired for only one reason – their qualifications to do the job.¹⁰

Equity

The rights of people to have equal access to goods, services and opportunities in society. To ensure equality of opportunity, equity programs may treat some persons or groups differently when the situation in society precludes equal treatment.¹¹

Human rights

For this guide, human rights refers to rights legally enshrined in international human rights conventions and Canada's human rights laws, including the *Canadian Human Rights Act*, the federal *Employment Equity Act*, the *Charter of Rights and Freedoms*, provincial human rights codes and, in particular, the *Ontario Human Rights Code*.



Special programs

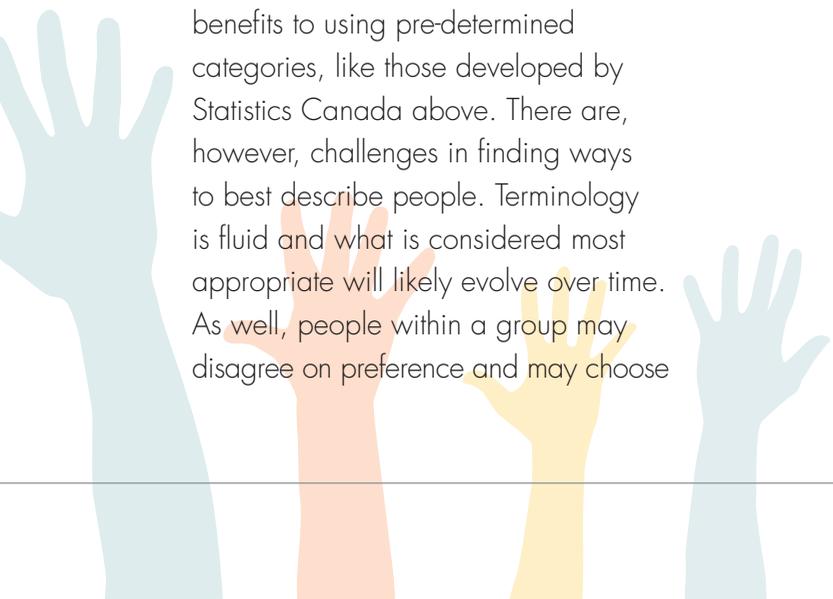
Section 14 of the *Code* allows special programs in employment that would otherwise infringe the *Code*. Special programs help people who experience discrimination, economic hardship or disadvantage to achieve equality. Collecting data to monitor and evaluate special programs is allowed by the *Code*. Data can also be collected for special programs if the information is used to show that groups are under-represented or face other forms of hardship or disadvantage.

Visible minority

This term was adopted as a Statistics Canada departmental standard on July 15, 1998. It refers to whether or not a person, under criteria established by the *Employment Equity Act*, is non-Caucasian in race or non-White in colour. Under the *Act*, an Aboriginal person is not considered to be a visible minority.¹²

When collecting data, there are some benefits to using pre-determined categories, like those developed by Statistics Canada above. There are, however, challenges in finding ways to best describe people. Terminology is fluid and what is considered most appropriate will likely evolve over time. As well, people within a group may disagree on preference and may choose

to use different terms to describe themselves. It is therefore useful to provide some general guidelines on terminology that the OHRC considers most inclusive at the present time. Using a broad category such as “racialized” could mask important differences between racialized groups, since racialized groups are not subject to exactly the same experiences, racial stereotypes and types of discrimination.¹³ When it is necessary to describe people collectively, however, the term “racialized person” or “racialized group” is preferred over terms like “racial minority,” “visible minority,” “person of colour” or “non-White” as it expresses race as a social construct rather than as a description based on perceived biological traits. As well, these other terms treat “White” as the norm racialized persons are to be compared to, and have a tendency to group all racialized persons in one category, as if they are all the same.¹⁴



When collecting data is a good idea

In the human rights context, both quantitative data (numbers, for example) and qualitative data (stories, for example) is collected on *Code* and non-*Code* grounds. An organization may decide to collect both kinds of data for many reasons.

Some organizations may collect data to:

- ❖ promote human rights equality for employees, taxpayers, customers, tenants, patients, students, union members, communities, boards of directors, shareholders and other audiences
- ❖ prevent or address systemic barriers to access and opportunity
- ❖ plan a special program
- ❖ improve equitable service delivery and programs
- ❖ promote equity and diversity initiatives
- ❖ increase workforce productivity
- ❖ attract new demographic markets.

Organizations that collect such data recognize that to effectively thrive in an increasingly globalized, competitive business environment, they must promote an inclusive and equitable work culture

throughout the organization, take steps to attract and retain the best and brightest people available, and find innovative ways to improve service delivery and programming to meet the needs and wants of an increasingly diverse population base. Collecting data on *Code* and non-*Code* grounds can help meet such goals.

Other organizations may have a contract or be mandated to collect data because of federal employment equity legislation. The need to collect data may also arise in response to:

- ❖ persistent allegations of systemic barriers
- ❖ a widespread public perception of systemic discrimination
- ❖ evidence from other organizations or jurisdictions that a similar policy, program or practice has had a positive or disproportionate effect on *Code*-protected persons
- ❖ an observed unequal distribution of *Code*-protected groups in an organization
- ❖ objective data or research studies showing that discrimination or systemic barriers do or do not exist.

The decision to collect data may be based on all or some of these factors, depending on each organization's mandate, goals, resources, needs and circumstances. The main consideration is to make sure that any data collected is done in a way that follows accepted data collection techniques, privacy and other applicable legislation, and is collected for a purpose that is consistent with the *Code*, such as to:

- ❖ monitor and evaluate discrimination
- ❖ identify and remove systemic barriers
- ❖ lessen or prevent disadvantage
- ❖ promote substantive equality for people identified by *Code* grounds.

Organizations have a duty to take corrective action to make sure that the *Code* is not being breached, and will not be breached in the future. Collecting and analyzing data can be an effective and often essential tool for assessing whether rights under the *Code* are being or might potentially be infringed. Gathering and analyzing data may also result in a number of other benefits that can improve an organization's productivity and performance. The examples below show how two very different organizations have benefited from collecting data.

The Mount Sinai Hospital experience

Mount Sinai Hospital (MSH) seeks to be a national leader in all of its diversity and human rights programs. The hospital decided to conduct a comprehensive workforce census on *Code* and non-*Code* grounds, becoming one of the first health care institutions in Ontario to do a workforce census of this breadth. One of the factors behind this decision was a recognition that while the hospital has a highly diverse workforce, certain groups, particularly racialized persons, are under-represented in upper managerial positions, and people with visible disabilities are under-represented throughout the hospital workforce.

The information collected through the workforce census confirmed this finding and is being used to help the hospital identify barriers and develop policies like a Fair Employment Opportunity Policy on how to conduct fair recruitment and hiring, and start initiatives like the anti-homophobia/transphobia communication campaign, to promote respectful treatment of "gay, lesbian, bi-sexual, transgender, Two-spirited and questioning" (GLBTTQ) hospital community members.

The KPMG experience

KPMG Canada (KPMG) has made diversity a strategic business priority. As part of its overall corporate strategy to promote a diverse and inclusive work environment, KPMG has been collecting and tracking workforce survey data to help it design and pilot innovative initiatives like the Reciprocal Mentoring Program. This program connects the firm's senior leaders with employees of diverse backgrounds and varying levels. Through one-on-one, face-to-face interactions, employees receive invaluable professional development advice, while leaders gain perspective on diversity issues and experiences in the workplace that differ from their own.

KPMG has found that creating a welcoming, inclusive work environment helps employees bring more of themselves to work, resulting in higher productivity and increased loyalty to the firm. In many cases, KPMG's programs were created in response to employee feedback.

Participants also help to develop strategies for creating a more inclusive work environment, enhancing communication and building relationships among staff. The program will continue to expand to engage individuals from a variety of diverse backgrounds, including women, visible minorities, new Canadians, LGBT people, Aboriginal people, people with disabilities and people from different faith and religious orientations.

KPMG has found that creating a welcoming, inclusive work environment helps employees bring more of themselves to work, resulting in higher productivity and increased loyalty to the firm. In many cases, KPMG's programs were created in response to employee feedback such as the annual employee engagement survey results.



Collecting data – consider the benefits

There are many benefits for regularly collecting data using accepted data collection research methods. Some examples are:

❖ **Good data can help identify and verify issues, theories and perceptions**, such as perceptions of equal opportunity and treatment, institutional barriers to recruitment and hiring of older persons, factors encouraging and inhibiting student achievement, accessible services for persons with mental illness, changing cultural and linguistic needs of patients, diverse leadership in the corporate sector, racial profiling in law enforcement, and the role of socio-economic disadvantage in the rental housing market.

❖ **Good data can help to proactively address issues, measure progress and capitalize on opportunities.**

Collecting data can help measure a general state of affairs, not limited to specific cases or events. When data is gathered, tracked and analyzed in a credible way over time, it becomes possible to measure progress and success (or lack of it). Budgets, policies, practices,

processes, programming, services and interventions can then be evaluated, modified and improved. This helps organizations to capitalize on opportunities such as:

- justifying requests for more funding for human rights, equity and diversity initiatives
- promoting innovation and higher productivity
- developing better programs and ways of delivering services
- enhancing stakeholder perception
- fostering potential growth in terms of markets or the “bottom line.”¹⁵

❖ **Good data can gain trust, develop effective, respectful consultations, and secure the support of key decision-makers and stakeholders.**

Collecting, tracking and evaluating data on an ongoing basis can provide organizations with credible, compelling information when communicating with key decision-makers and stake-holders about support for sensitive policies, programs or initiatives.



❖ **Good data can reduce exposure to possible legal action and human rights complaints.** Collecting data on an ongoing basis, using accepted data collection methods, can help an organization show that it has met its duty to protect and uphold human rights. A failure to collect data does not, in and of itself, form the basis of an application to the Human Rights Tribunal of Ontario. However, if an application alleging discrimination is made against an organization, not collecting data may factor into the decision of whether an organization has met its duty to make sure it is not in violation of the *Code*. Data collection and analysis have figured prominently in public interest remedies sought by the OHRC in recent years.

The Centre for Equality Rights in Accommodation experience

In July 2009, the Centre for Equality Rights in Accommodation (CERA) released a groundbreaking study, *Sorry, It's Rented: Measuring Discrimination in Toronto's Rental Housing Market*. CERA and over 20 volunteers conducted telephone-based housing discrimination "audits" of almost 1,000 apartments across Toronto. CERA found that 26% of Black single mothers, 23% of South Asian renters and 24% of people

on social assistance experienced discrimination when asking about an apartment. For persons with a mental health disability, the discrimination rate jumped to 35%.

CERA says they now need to go further and look at different types of discrimination and different communities. For example, what kind of barriers do youth face when trying to rent an apartment? What effect does perceived sexual orientation have on rental opportunities? In CERA's view, all of these questions – and more – could be tested effectively and affordably through telephone-based discrimination audits in communities across Ontario.

The TD Bank Financial Group experience

The Toronto-Dominion Bank and its subsidiaries are collectively known as TD Bank Financial Group (TD). As part of its corporate diversity strategy, one of TD's key priorities is to be recognized by the Lesbian, Gay, Bi-sexual and Transgender (LGBT) community as the bank of choice. TD views this community as an important part of its customer base. The International Gay and Lesbian Chamber of Commerce estimates that Canada includes two million LGBT consumers with spending power of \$100 billion.

Since 2007, TD has been working with external research partners to conduct multiple research studies and collect data on the LGBT customer segment. Different research tools have been used, including focus groups, interviews and surveys.

Some research objectives include measuring the LGBT community's awareness of major Canadian banks and the likelihood of LGBT customers doing business with these banks, examining perceptions of the service received and understanding banking habits and needs. TD will use this data to gain insights into how to tailor products and services to better meet the needs and preferences of LGBT consumers, and to aid in identifying meaningful community initiatives to support.

The DiverseCity experience

Just 13% of the Greater Toronto Area (GTA) leaders are visible minorities, compared to 49.5% of the population studied in the region, finds a report released by Ryerson University's Diversity Institute on behalf of DiverseCity: The Greater Toronto Leadership Project (DiverseCity). DiverseCity is the latest project of the Maytree Foundation and the Toronto City Summit Alliance.

DiverseCity Counts: A Snapshot of Diversity in the Greater Toronto Area,

released in May 2009, looked at 3,257 leaders in the GTA across the corporate, public, not-for-profit and education sectors. The report is the first to look across sectors and provide a benchmark of how the region's visible minorities are reflected in its senior leadership roles. The boards of the City of Toronto's public agencies scored highest with visible minorities reflecting 31% of their members. Since building in mechanisms to measure their performance in this area, these boards have seen a 40% improvement in just four years. Also of note, boards in all but the corporate sector had much higher levels of representation than the executive staff of their organizations.

"Now that we have a clearer picture of where we stand as a region, we're in a much better position to do something about it," says Dr. Wendy Cukier, founder of Ryerson University's Diversity Institute, who co-authored the report with Dr. Margaret Yap. Previous research has shown a clear link between diversity in leadership and prosperity.

Diverse leadership improves organizational financial performance and stimulates innovation, among other well-documented benefits. "What's interesting is that organizations that make a point of tracking and reporting on their results tend to have higher levels of diversity. What gets measured gets done," adds Dr. Cukier.

Overcoming challenges

There are potential challenges when deciding to collect data based on Code grounds such as race, disability or sexual orientation. Some questions and concerns organizations may encounter, in the employment or service delivery context, include:

- ❖ **“Will this data result in ‘reverse-discrimination’ and less qualified people getting hired and promoted?”** In organizations that have traditionally employed dominant groups, it is common for equity-enhancing measures to be resisted and subject to criticisms of “reverse discrimination” – often, the perception that equity programs and policies cause discrimination against White people.¹⁶ Equity-enhancing programs are recognized, under subsection 15(2) of the *Charter*, as an important means of ensuring substantive equality for disadvantaged persons and groups. As well,

Organizations should... highlight how collecting data can benefit all staff and the organization as a whole.

meaningful, effectively implemented equity measures can improve the efficiency and productivity of organizations and society as a whole, by diversifying labour pools and skills, among other benefits.

To proactively reduce and address perceptions of “reverse-discrimination,” organizations should clearly communicate the purpose, goals and methodology for collecting data, explain how the recruitment, hiring and promotion process will be transparent, fair and based on merit, and highlight how collecting data can benefit all staff and the organization as a whole. Inviting questions and incorporating feedback from key internal and external stakeholders is recommended, to encourage broad-based support for and participation in a data collection project. Training could also be developed for staff, particularly those involved in recruiting, hiring and promoting, to support a clearer understanding of the positive role equity-enhancing programs can play in fostering an inclusive, respectful workplace that complies with human rights legislation.¹⁷

❖ **Collecting sensitive information can create feelings of anxiety or distrust, and raise concerns about privacy and confidentiality.**

Organizations can overcome such anxiety, distrust and concerns by:

- clearly communicating the rationale, method and benefits of collecting data
- clarifying who has access to the information and why
- outlining how the information collected will be handled and stored confidentially in compliance with privacy, human rights and other applicable legislation
- surveying all employees or service users, rather than just staff or service users representing or perceived to represent targeted groups
- consulting with affected communities and other appropriate individuals/organizations.

Where there are well-documented concerns about discrimination or a history of previous data collection initiatives reinforcing discrimination or stigma, community involvement and oversight may be needed. Consulting with community representatives and other appropriate individuals/organizations can help foster an informed understanding and

dialogue, so that data collection initiatives are well supported and effective.

In addition, as a best practice, organizations are recommended to survey all employees or service users rather than just staff or service users representing or perceived to represent targeted groups to proactively address possible feelings of being stigmatized or singled out. Depending on an organization's resources and other factors, hiring a trusted external consultant to collect, store, analyze and report back on the results of the data gathered may also be an option.

- ❖ **“Data collection is a highly technical, complex and expensive process.”** Yes, data collection can be a technical, complex and expensive process, but may not need to be in all cases, depending on the size, resources and needs of the organization, as well as the reason for collecting the information. For example, for organizations with fewer than 40 employees that have fewer resources and are facing less complex issues (such as accommodating the needs of employees caring for older or disabled dependents), collecting and analyzing data may involve one person gathering information and interpreting it. For larger

organizations dealing with more complex issues (such as creating targeted services and facilities for LGBT¹⁸ homeless youth), a team of knowledgeable people or an external researcher may be needed.

Despite the potential challenges, collecting data for a purpose consistent with the Code can be a very useful and often essential tool for achieving strategic organizational, human rights, equity and diversity goals.

The Keewatin-Patricia District School Board experience

The Keewatin-Patricia District School Board (KPDSB) is spread over 70,950 square kilometres of land in northwestern Ontario. It serves over 5,400 students, 38% of whom self-identify as Aboriginal. Meeting the needs of this growing student population was one of the key factors that motivated the KPDSB to develop the *Voluntary and Confidential Self-identification for First Nations,*

Data gathered to date have helped KPDSB to...show that Aboriginal students are perfectly capable of achieving at the same level as non-Aboriginal students.

Métis and Inuit Students Policy (the *Policy*), in partnership with the Kenora Catholic District School Board. One of the major challenges in gathering the data was gaining the trust and support of Aboriginal families and their communities, who have had negative experiences with data collection in the past. In combination with efforts such as extensive community consultations and targeted communication strategies, the encouraging results of the data gathered to date have helped KPDSB to:

- ❖ confirm that an academic achievement gap exists between Aboriginal and non-Aboriginal students
- ❖ design and implement targeted programs and supports for Aboriginal students, their families and communities
- ❖ show that Aboriginal students are perfectly capable of achieving at the same level as non-Aboriginal students
- ❖ foster the development of effective, respectful working relationships with key Aboriginal stakeholders and the broader community.





5 Collecting data in a Code-consistent way¹⁹

Collecting information about characteristics based on *Code* and non-*Code* grounds may lead to fears that the information might be used to treat a person or group in a discriminatory way, give unmerited preference to a particular group that does face historical discrimination, or lead to individuals being identified or “outed.” To address such fears, the following guidelines are strongly recommended to make sure that data involving *Code* and non-*Code* grounds is collected and used in a legitimate and appropriate way:

❖ **Collect data for a Code-consistent purpose**

A data collection program should clearly set out a purpose that is consistent with the *Code*. A data collection program can be contextualized within an organization’s obligation to take into account a person’s already disadvantaged position within Canadian society.

Example: Social science research shows that many new immigrants in Canada are underemployed because of barriers preventing the recognition of foreign credentials. An immigration settlement agency collects data to track the employment prospects and barriers faced by new immigrants to support and maintain a strong service-delivery system that meets the changing needs of newcomers to Ontario and Canada.

❖ **Inform the public**

Regardless of the data collection method used, the people data is being collected on and the broader public in general should be advised of why such information is being gathered and its potential uses. They should also be told how the data will be collected, the steps taken or that will be taken to protect privacy and confidentiality, the benefits of collecting data, and the progress reached in achieving stated goals and objectives.

❖ Consult affected communities

Service providers, employers, landlords and other responsible bodies should consult with affected communities about the need for data collection and appropriate methodology.

The form that data collection takes should be the least intrusive alternative that most respects dignity and privacy of individuals.

❖ Use the least intrusive means

The form that data collection takes should be the least intrusive alternative that most respects dignity and privacy of individuals.

Self-identification surveys are one standard method for identifying types of individuals, within or served by an organization. When using this method, make it clear to people that their participation is voluntary and that confidentiality will be maintained.

Another method might be to have a trained employee or an external expert record data through observation. A capable and effective observer can provide an objective viewpoint about the characteristics and behaviour of research subjects that others may be unaware of.

A key weakness, however, is that an observer, trained or otherwise, may not be able to accurately differentiate within or between certain groups of people, particularly when an identity is not readily visible (such as religion, mental illness or sexual orientation). This may affect the accuracy of observed results.

Analyzing data from multiple perspectives and relying on data gathered from different sources, using accepted data collection techniques, can strengthen the conclusions drawn from research.

❖ Anonymity

Assuring anonymity (e.g., by not requiring any identifying information such as a name) may be necessary to address privacy and confidentiality concerns, particularly where the collective results are so small that reporting them could potentially reveal an individual's identity. For example, in a small organization, it would be reasonable to suppress the statistic that only one employee has a mental illness. In other cases, assuring participants' anonymity might mean that a formal data collection initiative is limited in its ability to achieve objectives, or is unable to proceed with altogether. In all cases, however, measures should be taken to protect privacy and confidentiality.

Example: Under the Federal Contractors Program (the FCP), provincially regulated employers with more than 100 employees that are eligible for federal government contracts valued at \$200,000 or more are contractually required to comply with the federal *Employment Equity Act* (the *Act*). FCP employers, and other employers covered by the *Act*, must collect information using a workforce survey questionnaire and provide some means of identifying employees to help find the number and degree of underrepresentation of women, visible minorities, Aboriginal Peoples and persons with disabilities in specific occupational groups.²⁰ Numerical codes may be used to identify each employee. While the survey is not anonymous, employers must keep designated group status information confidential, and are advised to keep collected data separate from human resources files.

Example: In spring 2008, the Toronto District School Board (TDSB) conducted its first *Parent Census* for parents of students through Junior Kindergarten to Grade 6. Student demographic data and social environment data was collected to help the Board develop policies and strategies to close the achievement gap between groups of students, as well as to establish a baseline of data to measure improvements in the educational outcomes for all students. The 2008 *Parent Census* was confidential but not anonymous. Unique identification was used to allow the data to be linked to other centrally available data sources – such as the TDSB Student Information System, Education Quality and Accountability Office (EQAO) and student report cards – for crosschecking and tracking. To ensure confidentiality for students and parents, the forms were pre-coded with a specially assigned survey number (not the student’s own identification number), and parents were asked to place their completed forms in the sealed envelope provided before returning them to their child’s school.



❖ Distinguish between collection, use and disclosure

The method should distinguish between the appropriate collection, use and disclosure of information. There should be a rational and objective connection between the nature of the information being collected and its intended use.

Data should be collected in a way that removes any identifying information such as name, driver's licence number or student number from the data.

Data should be separate from and unconnected to any other records that contain personal identifying information, unless it is being used to determine a person's eligibility for a special program.

Data collection procedures, storage, access and disclosure must be carefully controlled. Always respect confidentiality and dignity.

❖ Information and privacy

In addition to the *Code*, data collection must comply with freedom of information and privacy protection legislation.

Collecting data in a *Code*-consistent way

- Collect data for a *Code*-consistent purpose
- Inform the public
- Consult affected communities
- Use the least intrusive means
- Anonymity
- Distinguish between collection, use and disclosure
- Information and privacy





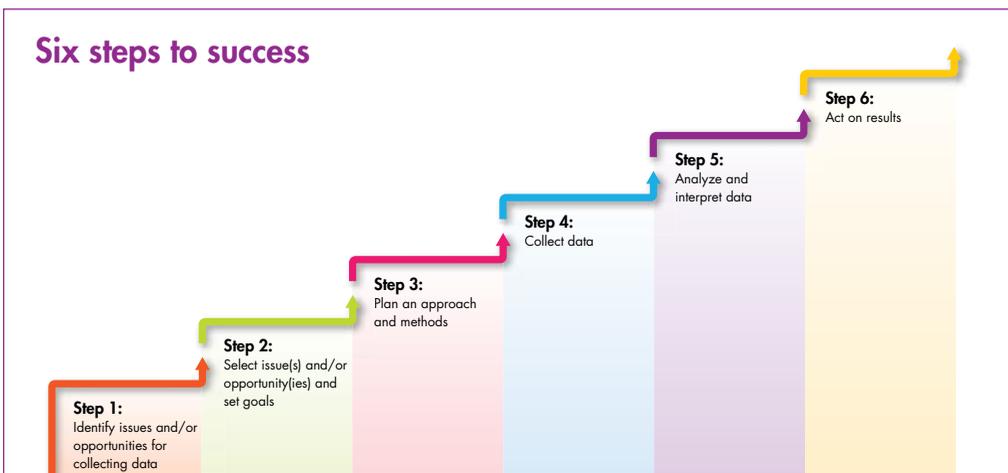
What is involved in collecting data – six steps to success

If an organization is considering whether to collect data on its own or get help from an external consultant, it will need to have enough information to make an informed decision about how to proceed.

This section outlines some of the key considerations that may arise during various steps in the data collection process. There is no requirement that these steps be followed or pursued in the order that they are written. The model presented is offered as a reference tool. How data is gathered and analyzed depends on many factors, including the context, the issue that needs to be

monitored, the purpose of the data collection, and the nature and size of the organization.

The main consideration is to make sure that any information collected is done in a way and for a purpose that is consistent with the *Code* and complies with freedom of information and privacy protection legislation. In the interest of effectiveness and efficiency, it is recommended that efforts be made to collect data that will shed light on issues or opportunities. To protect the credibility and reliability of data, information should be gathered using accepted data collection techniques.



Step 1: Identify issues and/or opportunities for collecting data

The first step is to identify issues and/or opportunities for collecting data and to decide what next steps to take. To do this, it may be helpful to conduct an internal and external assessment to understand what is happening inside and outside of your organization.

Some organizations, like FCP and Legislated Employment Equity Plan (LEEP)²¹ employers, are given specific direction on what issues should be explored and how data must be collected. Other organizations may have more flexibility to decide when and how to collect information to achieve certain goals. Some of the non-exhaustive questions identified below may apply to a diverse range of organizations and audiences, including employees and service users. Depending on the organization, these questions may be considered at Step 1, or at different stages in a data collection process.

Conduct a review of all policies, practices and procedures applicable to employees, service users or another appropriate audience:

- ❖ Does the organization have human resources and human rights policies, practices and procedures that are accessible to all employees or to the people they serve?
- ❖ Does the organization have clear, transparent and fair complaint procedures in place to deal with allegations of discrimination, harassment or systemic barriers?
- ❖ Have any claims, grievances or allegations been made or received relating to discrimination, harassment or systemic barriers?
 - Do any signal barriers to persons protected under the *Code* and/or other individuals/groups in society based on a non-*Code* ground?
 - Have any been dealt with appropriately and in accordance with existing policies, practices and procedures?

Explore organizational culture from a human rights, diversity and equity-inclusion lens:

- ❖ What are the organization's mandate, goals and core values?
- ❖ What is the history of the organization?
- ❖ Are equity, diversity and inclusiveness supported, reflected and promoted by senior leaders throughout the organization?
- ❖ Are performance measures in place to motivate the achievement of an organization's strategic human resources, human rights, equity and diversity goals?
- ❖ Do employees feel that the organization is diverse, inclusive, and provides equal opportunity for learning and advancement?
- ❖ How are decisions made?
- ❖ How are employment, programming or service delivery opportunities advertised?
- ❖ Does the organization have formal, transparent and fair processes in place to recruit, hire, promote, terminate and retire staff?
- ❖ Does the organization have a clear system of discipline?
 - Is this system perceived to be applied fairly and consistently?

- ❖ Do service users feel that they are welcome, valued, and able to use the services offered by the organization?

Are equity, diversity and inclusiveness supported, reflected and promoted by senior leaders throughout the organization?

Assess external context:

- ❖ Are there best practices in the industry/sector or among similar organizations that can be learned from?
- ❖ Are there objective data or research studies showing that discrimination or systemic barriers exist or do not exist in the organization, industry/sector or similar organizations?
- ❖ Is there evidence from other organizations or jurisdictions that a policy, program or practice, similar to one in place at the organization, has had a positive or negative impact on Code-protected persons or other marginalized persons in society?
- ❖ How is the organization perceived by the community it operates in?
 - ❖ Have the media or advocacy groups complimented or criticized the organization about human rights, human resource or equity issues?

- ❖ What are the demographics of the people the organization serves or the community it operates in?
 - Are the demographics changing or projected to change in the future?
 - Is the organization proactively looking at ways to make sure that it has the skills and knowledge to meet the potential needs and concerns of this changing demographic?

Is the organization representative of and responsive to the needs of the community it serves?

Check representation:

- ❖ Compare the organization's workforce makeup to the availability of labour or the demographics of the service users in the community, city, region, province and/or country it operates in.
- ❖ Is the organization representative of and responsive to the needs of the community it serves?
- ❖ At this stage, a detailed comparison is not needed. The goal here is to identify key issues and/or opportunities that may need further study by noting obvious gaps, disparities or trends.

- ❖ Organizations can:
 - Estimate how people or groups identified by *Code* grounds and other persons/groups are represented and distributed among their employees or service users by levels of responsibility, occupation, branch, department or other appropriate measure.
 - Are there any areas in the organization or in service delivery where the persons or groups seem to be obviously over-represented or under-represented?

Finding the above information can be challenging for smaller organizations, but the internet offers a wealth of resources to choose from. Media reports may offer insights, as well as on-line resources offered by the OHRC, Statistics Canada,²² the City of Toronto,²³ government agencies, and community organizations that focus on *Code* and non-*Code* ground-related topics. Information may also be gathered from various sources using accepted data collection research methodologies discussed in Step 3.



It is to be expected that an internal and external assessment of the organization, in light of the questions listed above, may result in a number of potential issues and/or opportunities for exploring data collection. Before proceeding to Step 2, organizations may wish to consider whether there are any preliminary actions that can be taken to address these issues and/or opportunities, without collecting data (e.g., training, policy development).

Example: The review in Step 1 may have identified the following issues and/or opportunities for collecting data:

- Positive public feedback received about a pilot community policing project in high-crime neighbourhoods
- Unclear and inconsistent human rights policies and procedures in place to address sexual harassment.

The above examples present a potential opportunity or problematic human rights issue, respectively, and could lend themselves to data collection. Decisions need to be made about how best to address the identified opportunities and/or issues and whether it would be appropriate to act, based on the assessments in Step 1 (either instead of or together with further data collection).

If the results of the internal and external assessment seem to show that the organization does not have any pressing problems with discrimination and/or systemic barriers, and is generally in compliance with the Code and OHRC policies, consider whether the organization could still benefit from proactively implementing a data collection initiative (for example, to help monitor the ongoing effectiveness and suitability of policies, programs and intervention strategies).

Step 1: Identify issues and/or opportunities for collecting data

- Conduct a review of all policies, practices and procedures applicable to employees, service users or another appropriate audience
- Assess external context
- Check representation

Step 2: Select issue(s) and/or opportunity(ies) and set goals

The focus of Step 2 is choosing a priority issue(s) and/or opportunity(ies) for collecting data, and then setting goals and objectives.

The organization reviews the issues and/or opportunities identified from the internal and external assessment done in Step 1, and picks one or more specific issues and/or opportunities for starting a data collection project from among the list of priorities. Some of the questions an organization can consider when deciding to prioritize an issue and/or opportunity for gathering data include:

- ❖ Is there a fundamental reason or opportunity to collect data from which other issues and/or opportunities seem to arise?

Example: An aging taxpayer base provides a government body with a pressing reason to collect data on this group's projected size, needs and revenue base. This changing demographic also presents an opportunity for the government body to ensure that it is proactively developing policies, programs and services that are accessible and appropriate to meet the needs and concerns of these taxpayers.

- ❖ Did the internal and external assessment of the organization in Step 1 reveal any critical gaps or trends that are apparent in the organization, industry/sector or similar organizations?
- ❖ Is there one particular area that has drawn positive/negative media attention or been subject to multiple complaints, internal rumours and concerns?

- ❖ Does there seem to be a greater diversity or lack of diversity in one area compared to others?

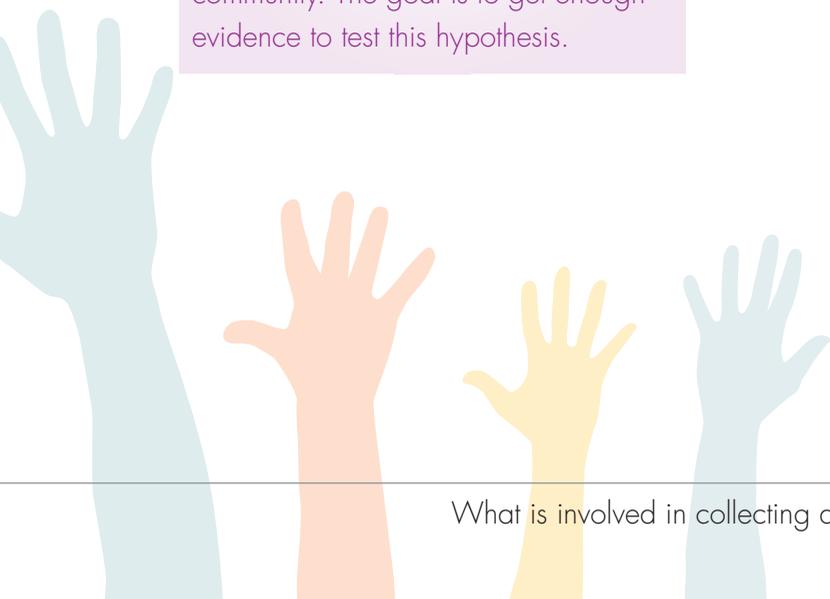
Goal-setting

While the organization may intend to collect data relating to multiple issues and/or opportunities at the same time, the next steps, including goal-setting, should be individualized for each issue and/or opportunity.

The specific goal(s) defined for each issue and/or opportunity may depend on a hypothesis or guess about what is happening that can be tested using data collection techniques and analysis.

Example: A downtown Toronto hotel receives complaints from guests, who self-identify as being gay, about the unwelcome treatment they received from staff. A hypothesis might be that hotel staff lack sufficient awareness and training about how to deal respectfully with guests who are gay, or are perceived to be from the larger LGBT community. The goal is to get enough evidence to test this hypothesis.

Step 2 can also involve an organization brainstorming a smaller set of questions that may be answered by collecting data. Rather than asking a general question like, “Is there any evidence of discrimination on the basis of sexual orientation or gender identity in this hotel?” one might ask, “What percentage of hotel guests self-identify as being part of the LGBT community?” and “What are the perceptions of the service received by self-identified LGBT patrons?” Ultimately, data that is collected should be rationally connected to the goals set and the overall purpose for collecting the data.





Step 3: Plan an approach and methods

In Step 3, organizations will make decisions about who will be surveyed, how data will be collected, the sources of data that will be used, and the duration of the data collection project, among other questions. These decisions may be made in consultation with an expert. The methods and approaches will flow from the goals set in Step 2, and will vary significantly depending on a number of factors, including the organization's context, size, resources, and the purpose and complexity of the issue(s) or opportunity(ies) selected.

Here are some of the questions to consider at this stage.

Who will the data be collected about?

The "group of interest" (e.g., youth service users of a local community centre who cannot read and speak English as a second language) will be the focus of the study, and the data collection methods used will refer to this group, or the persons within it, depending on the goals of the project.

Understanding discrimination

- ❖ When thinking about who the data will be collected about, it is important to consider who you think will be most affected by, for example, the discrimination or inequities that you wish to measure. Is it a broad category (e.g., all service users who *cannot read*), or a sub-set of that category (e.g., *youth* service users who *cannot read*)? The italicized words refer to a unique characteristic about a broader group that an organization may wish to gather information about.
- ❖ Depending on factors like the goals of the data collection project, the organization's size, resources and time, data may be gathered about many sub-sets within a broader group of interest (e.g., *youth* service users who *cannot read* and who *speak English as a second language*).
- ❖ Collecting data about a group of interest that shares characteristics, based on several Code or non-Code grounds, can help an organization

understand the behaviour, perceptions, values and demographic make-up of services users and other subjects of interest. Generally speaking, gathering data that reflects more than one *Code* and/or non-*Code* ground can allow for richer, nuanced information and more complex analysis.

- ❖ It is important to recognize that based on their unique combination of identities, people may be exposed to particular forms of discrimination. Multiple forms of discrimination can intersect and compound to form a unique experience of discrimination. This perspective is referred to as an “intersectional” analysis of discrimination.

Example: A South Asian male youth service user, who cannot read and speaks limited English, may face discrimination on any of the grounds of age, race, colour, ancestry, ethnic origin, place of origin, gender, disability or perceived disability (e.g., could be seen as having a learning disability). However, he may also be exposed to discrimination on intersecting grounds based on being identified as a “young, illiterate Indian male from a foreign country,” based on the various assumptions or stereotypes that are uniquely associated with this socially significant interaction of multiple identity factors.

- ❖ To better understand the potential impact of multiple identity factors, or intersectionality, when collecting and analyzing data about a group of interest, it may be helpful to consult with communities, and review applicable research and other relevant documents that highlight how the dynamic of discrimination and disadvantage can play out in a practical way for persons identified by *Code* and non-*Code* grounds. The OHRC’s recent edition of *Human Rights at Work* is a useful reference for this purpose. The OHRC has also developed policies and guidelines that provide a more detailed outline of how the *Code* applies to the various grounds (see Appendix G for a list of OHRC guides, policies and guidelines).

Who will the group of interest be compared to?

The “comparator group”²⁴ should be persons who share one or more characteristics with the persons in the group of interest, but differ in the key characteristic(s) being studied (e.g., youth service users who cannot read but *can* speak English fluently). The experiences of youth service users who cannot read and who speak English as a second language can then be compared to youth service users who cannot read but can speak English fluently.

What locations or geographical areas will the data be gathered from?

Some data collection initiatives require gathering data from multiple sites, groups or communities located in different locations and geographical areas. When determining where to collect information from, key factors to consider include who the data will be collected about and who the data will be compared to.

Example: A local community centre is interested in making its current youth literacy program more responsive to the needs of an increased number of youth in the surrounding area who cannot read and who speak English as a second language. The community centre plans to gather information about the community it serves and the geographical region it is located in. Data is gathered from the community centre's pre-existing records relating to its service users, including people who attend the youth literacy program or have expressed an interest in it. Publicly available information about the characteristics of the surrounding neighbourhood is also explored, among other data sources.

What categories will be used to identify the group of interest and comparator group?

Choosing categories provides a way to organize the information that is collected. This can be done either before collecting data, as discussed in this step, or after data is collected (see Step 5).

In some cases, although it is not required, it is preferable to use pre-determined categories such as those developed by Statistics Canada. There are certain benefits to this approach.

Example: Organizations can be confident that the 12 racial groups used by Statistics Canada will represent how the majority of Canadians racially classify themselves. In addition, use of these categories is most likely to produce reliable and valid results and enable researchers to directly compare the results of their studies to Census data collected by Statistics Canada.²⁵

The limitations are that if these categories are used, some respondents may not identify with them or may object to them. Another limitation is that Statistics Canada does not produce Census data on all grounds (for example, on sexual orientation).²⁶



For a fee, Statistics Canada will customize its data. For example, it can break it down to “disaggregated” data for a local labour market or for a particular occupational category.²⁷

Another limitation is that the Statistics Canada categories may be too broad depending on the goals selected in Step 2.

Example: Using a broad category such as “racialized” can mask important differences between racialized groups, since racialized groups are not subject to exactly the same experiences, racial stereotypes and types of discrimination.²⁸ However, when it is necessary to describe people collectively, the term “racialized person” or “racialized group” is preferred over terms like “racial minority,” “visible minority,” “person of colour” or “non-White” as it expresses race as a social construct rather than as a description based on perceived biological traits. Also, these other terms treat “White” as the norm that racialized persons are to be compared to, and have a tendency to group all racialized persons in one category, as if they are all the same.²⁹

Consider other categories to describe the groups selected (for example, relating to job or service categories). Organizations may ultimately choose the categories that best reflect where the organization is at in terms of achieving its human rights, equity and diversity goals.

How should data be collected?

In the context of human rights, social-science researchers³⁰ are commonly asked to lead or help with data collection projects. Two types of data are used in social science research: qualitative and quantitative. A good research effort involves the use of both types. Both approaches, while distinct, can overlap and rely on the other to produce meaningful data, analysis and results.

Qualitative data:

Typically, data is called “qualitative” if it is in the form of words, but may also include any information that is not numerical in form, such as photographs, videos and sound recordings.

Qualitative methods are aimed at describing a specific context, event, people or relationship in a broad contextual way, by trying to understand the underlying reasons for behaviour, thoughts and feelings.



Common qualitative research methods include observation, one-on-one interviews, focus groups and intensive case studies.

Example: A restaurant chain wants to improve service and access to customers with disabilities. Management decides to collect qualitative information using focus groups consisting of a range of stakeholders, including customers and representatives of organizations from the disability community.

Potential strengths:

- ❖ qualitative data excels at “telling the story” from the participant’s viewpoint (it helps participants feel like they have been heard)
- ❖ can help others better understand the issue or problem by providing the rich descriptive detail that explains the human context of numerical results.

It is important to note that all quantitative data is based on qualitative judgment. In other words, numbers cannot be interpreted by themselves, without understanding the assumptions that underlie them.

Potential weaknesses:

- ❖ perceived that the accuracy of qualitative data can be influenced by false, subjective or manipulated testimonies. Good qualitative data, checked by a professional researcher and gathered using accepted data collection research methods, can address the impact of such factors
- ❖ depending on the nature and size of the project, as well as the sophistication of the methods and analysis used, can take a significant amount of time, be very labour-intensive, and yield results that may not be general enough for policy-making and decision-making purposes.

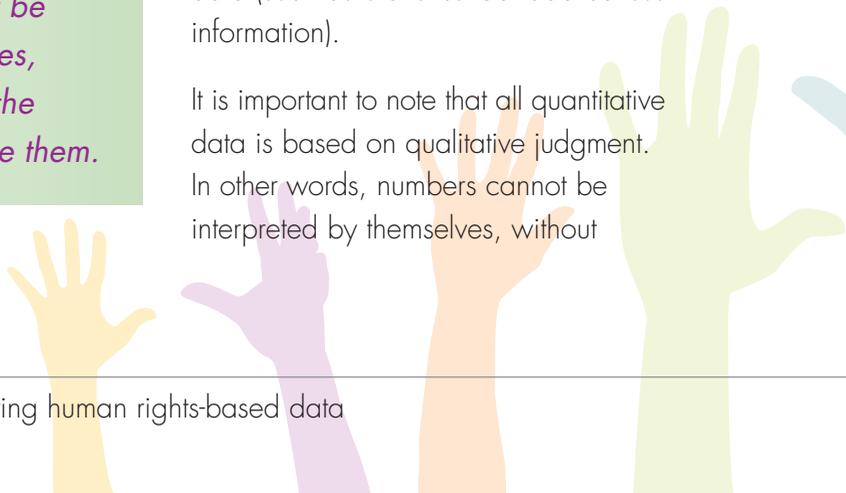
Quantitative data

Typically, data is called “quantitative” if it is in the form of numbers.

A quantitative approach can be used to count events or the number of people who represent a particular background.

Common quantitative tools include surveys, questionnaires and statistical data (such as Statistics Canada census information).

It is important to note that all quantitative data is based on qualitative judgment. In other words, numbers cannot be interpreted by themselves, without



understanding the assumptions that underlie them.

Example: A simple 1 – 5 rating variable for the survey statement, “My union handles human rights grievances in a sensitive and efficient manner” gives respondents the option of circling: 1 (Strongly Disagree), 2 (Disagree), 3 (Neutral) 4 (Agree) and 5 (Strongly Agree).

A respondent circles “2 = Disagree.” To understand the value of “2” here, a researcher must consider some of the judgments and assumptions that are behind this choice. Did the respondent understand the term “human rights grievance”? Has the respondent had experience filing a grievance with the union? Does the respondent like unions generally?

Potential strengths:

- ❖ perceived to be more credible and reliable than qualitative data because of the use of numbers, which are seen as an objective source of data. This is not necessarily the case. The accuracy of quantitative data can be influenced by manipulation and bias of the researcher, among other factors, unless checked by the researcher’s professionalism and the use of accepted data collection research methods

- ❖ quantitative data excels at summarizing, organizing and comparing large amounts of information, and drawing general conclusions about a research topic of interest
- ❖ can help measure progress and success
- ❖ good at identifying trends and determining the magnitude of a research topic of interest.

Potential weaknesses:

- ❖ a focus on numbers and rankings alone can overly simplify or lead to an inaccurate understanding of complex situations and realities, unless a broader context is provided

Example: An employment data survey of the Custodial Services Division of a large organization reveals that 80% of the cleaning staff are women and that 6 of 7 Custodial Services supervisors are men. A comparison between these figures and gap data from Human Resources and Skills Development Canada (HRSDC) shows that, while there is an overrepresentation of women in the ranks of cleaners, there is no gap for women in the ranks of supervisors.

The reason for the seeming discrepancy is that HRSDC gap data is based on availability. Nationally, so few women are Custodial Services supervisors that there is a statistically insignificant

availability, giving rise to the conclusion that there is no numerical gap with respect to women supervisors. This conclusion, however, does not make sense since the organization knows that the 200:40 women to men cleaning staff ratio is supervised by a 6:1 male to female supervisory staff ratio. The organization decides to ignore the HRSDC data and apply common sense by setting up career advancement mentoring and other policies and programs to increase the number of female supervisors in its workforce.

- ❖ subject to multiple interpretations of what the numbers actually mean, which can lead to a distorted understanding of a research topic of interest. This potential weakness can be minimized by using accepted quantitative research methods and identifying appropriate warnings to explain the parameters and assumptions underlying the research
- ❖ depending on the nature and size of the project, as well as the sophistication of the methods and analysis used, it can be costly to gather the required information
- ❖ in areas of research that are relatively new or where tools, indicators, procedures and sources are far from settled, statistical data can be lacking or of unequal quality, causing problems for comparisons. These

difficulties are often compounded by other issues, like definition problems (e.g., the meaning of the word “freedom” – depending on the interpretation of the word chosen, it may produce different issues and results).

What sources of data should be used to collect information?

Qualitative and quantitative data are generally gathered from more than one source. Where possible, two or more of the following sources should be used together to strengthen reliability and consistency in results.

Pre-existing or official data

Pre-existing or official data is information that has already been documented (e.g., newspaper clippings, case law, Statistics Canada census data, photographs) or is created by an organization during its routine business operations (e.g., employee personnel files, student registration forms, annual reports, occurrence reports). This data may contain information that directly relates to specific *Code* grounds like race, but more commonly will relate only indirectly (for example, in the form of names, place of origin or ethnicity). This type of information could be used as proxies or stand-ins for race, but would be less reliable than actually having self-reported racial data.

Potential strengths:

- ❖ is efficient. Avoids the time, energy, expense and disruption involved in collecting data as a separate step from running daily operations.

Example: Outcomes of workplace recruitment, hiring, promotions and terminations can be recorded, as can events such as interventions by security guards and customer complaints. When recording these events, relevant Code ground and non-Code classifications could also be included. This data could then be examined for trends over time to show whether discrimination or systemic barriers exist, may exist or do not exist.

Potential weaknesses:

- ❖ to be a useful source of information, organizations need to be willing to collect the data as part of their ordinary record-keeping procedures
- ❖ the reliability of this data will depend on the diligence and accuracy of the reporting done by the people collecting it.

Survey data

Survey research is a broad area and generally includes any measurement procedures that involve asking respondents questions. A “survey” can range from a short paper-and-pencil questionnaire to an in-depth one-on-one interview (interviews will be discussed further below).

In designing a survey, it is important to consider the specific characteristics of the respondents, to make sure that the questions are relevant, clear, accessible and easy to understand. Some practical considerations to keep in mind are whether the respondents can read, have language or cultural barriers, have disabilities, and can be easily reached.

Potential strengths:

- ❖ very useful for documenting an individual’s perceptions and perceived experiences of an organization’s work culture, service delivery or other areas of interest

Example: The TDSB’s 2006 *Student Census, Grades 7-12 System Overview* included a component on how senior and secondary school students generally perceived their schooling and out-of-school experiences in 10 areas, including school safety and home support and involvement.

- ❖ can contain questions that are quantitative or qualitative in nature, or a combination of both
- ❖ can be conducted on a small or large scale.

Potential weaknesses:

- ❖ quality and reliability of survey data depends on factors like the expertise of the people conducting them, the design and appropriateness of the questions asked, and the credibility of the methods used to analyze and interpret the results
- ❖ may not provide an accurate measure of how others perceive a person's background or experience.

Example: A transgender employee may self-identify as female but a third party may identify her as male.

Focus groups and interviews

Interviews and focus groups (also referred to as “group interviews”) allow for information to be provided orally, either individually or in a group setting. The data can be recorded in a wide variety of ways including written notes, audio recording and video recording.

Focus groups: In focus groups, the interviewer facilitates the session. A select group of people are brought together, asked questions, encouraged to listen to each other's comments, and have their answers recorded. The same set of questions may be used for a number of different groups, each of which is constituted slightly differently, and for a range of purposes.

Focus groups may be facilitated by professionals, but this is not always needed. The decision to hire a professional facilitator may depend on the goals of the focus group research, the nature of the questions asked, the skills and experience of staff taking part, and the need for confidentiality or anonymity.

Example: To get the unique perspective of each group, an organization may wish to hold separate focus groups for representatives of each of the organization's internal and external stakeholder groups, such as senior management, front-line employees, service users, union representatives and community groups. Or, it may be of greater value to organize a group that includes people representing all key internal and external stakeholders, to allow for contrasting ideas to be expressed and discussed.

Whatever format is chosen, it is important that the focus group is structured and managed in a way that cultivates a “safe space” for people to share their experiences. In some cases, this may not be possible without setting up separate focus groups or hiring a professional facilitator who is not connected to the organization.

Potential strengths:

- ❖ focus groups allow for multiple narratives to be voiced in one “interview” about a research topic of interest
- ❖ act as tools for education because discussion among participants can illuminate the participants’ and the researcher’s views, helping to further refine research about a particular topic of interest.

Potential weakness:

- ❖ does not allow participants to fully express their individual opinions and narratives, or ask questions when they immediately come to mind, because of the need to hear and accommodate other voices.

Interviews: Typically, interviews involve a set of standard questions being asked of all respondents, on a one-on-one basis, so that accurate trends and gaps can be drawn from the data. Interviews are commonly conducted face-to-face, but for more rapid results, can also be done over the telephone, or, as technology advances, through video-conferencing and other means.

What sources of data should be used to collect information?

- Pre-existing or official data
- Survey data
- Focus groups and interviews
- Observed data

Potential strengths:

- ❖ interviews can provide a rich, detailed perspective, impression or story on a research topic of interest
- ❖ the interviewer generally has the opportunity to probe more deeply or ask follow-up questions than when in a focus group setting
- ❖ data from both focus groups and interviews can provide valuable context for understanding and informing research, numbers, events, behaviour and other research goals
- ❖ depending on the size of the organization, the purpose of the data collection, the internal expertise available and other factors, focus groups and interviews can be done with relatively little expense.

Potential weaknesses:

- ❖ one-on-one interviews allow for just one narrative or perspective on a research topic of interest
- ❖ can be very time consuming and resource intensive
- ❖ respondents in interviews and focus groups generally want to “look good” in the eyes of others. Depending on the questions asked, they might “spin” their response to avoid being embarrassed, particularly in a face-to-face setting. Skilled

interviewers may be able to address this potential weakness by doing a few things, like designing good questions, being perceptive, asking follow-up questions and cross-checking responses with other credible sources of information

- ❖ interviewers, in both individual and focus group settings, may distort an interview by not, for example, asking questions that make them uncomfortable or not listening carefully to respondents on topics that they have strong opinions on. The impact of this potential weakness can be addressed by taking steps like making sure that interviewers are properly trained and using standard interview questions.

Observed data

Trained staff or external experts can gather data by identifying and recording the characteristics and behaviour of research subjects through observation, either within or outside of an organization. Observed data can include information gathered using all of the senses available to the researcher, including sight, hearing, smell, taste and touch.



Example: A human rights organization that offers a mediation service hires a mediation expert to observe mediators and service users and provide feedback about any issues of concern related to human rights. To minimize potential stress and anxiety experienced by the people being observed, staff and service users are informed in advance of the purpose and goals of the exercise. Service users' consent is sought. Staff is advised that the observed data gathered will only be used for research purposes and not shared with their managers. The expert maintains access to the data, and the results are reported on an aggregated and summarized basis to prevent individuals from being identified.

Hiring experts, while potentially expensive, can add validity and credibility to research analysis because they are often perceived as having no vested interest in the research results.

Information gathered using observation techniques differs from interviewing, because the observer does not actively ask the respondent questions. Observed data can include everything from field research, where someone lives in another context or culture for a period of time (participant observation), to photographs that show the interaction between service providers and service users (direct observation). The data can be recorded in many of the same

ways as interviews (taking notes, audio, video) and through pictures, photos or drawings.

Potential strengths:

- ❖ an effective and capable observer can provide an objective third viewpoint on what is going on, and draw out implications that are not obvious or that people are unaware of
- ❖ can be relatively inexpensive depending on factors like the size of the project, its goals, the organization's resources and the duration of the project.

Potential weaknesses:

- ❖ an observer, trained or otherwise, can influence the behaviour of the people being observed (for example, people could be motivated to behave better while under observation), which may ultimately affect the accuracy of observed results
- ❖ can cause potential stress and anxiety for the people being observed, more than the use of other data collection methods. Efforts can be made to minimize stress and anxiety by using effective communication strategies to inform participants, in advance, of the purpose, goals, confidentiality measures, duration of the project and other key information

- ❖ an observer, trained or otherwise, may not always be able to accurately differentiate within or between certain groups of people, particularly when an identity (ies) is/are non-evident (e.g., religion, mental illness, sexual orientation). A survey requesting self-identification information might be more effective in this regard.

Organizations should choose the sources of data that best suit their program goals, context, resources and organizational culture.

Each source of data used to collect information has its strengths and weaknesses. Some of the more common potential strengths and weaknesses identified above have been highlighted. Analyzing data from multiple perspectives and relying on data from different sources can strengthen the conclusions drawn from research. A combination of statistical analysis, observational data, legal analysis, documentary analysis, in-depth interviews and external and/or internal consultation can help maximize understanding of a given situation.³¹ Organizations should choose the sources of data that best suit their program goals, context, resources and organizational culture.

How long will the data be collected (the scope of data collection)?

Data can be collected and analyzed on a short-term or project basis in response to situations or needs that arise from time to time. A short-term data collection project would include a start and a finish date, with set deliverables to be carried out over a certain period of time.

The best practice is to collect data on an ongoing, permanent basis, and to analyze this data as often as is needed to identify, address and monitor barriers to Code-protected persons or other persons based on non-Code grounds.

Data collected in a time-limited study may be less complete than data collected through ongoing monitoring. This is because short-term studies do not allow for the assessment of trends, patterns or changes over time. However, where costs, time and resources are a factor, short-term studies may be the preferred choice to fulfil a need and project goals.

Other factors may also influence the reliability of the data. For example, people may modify behaviour while under scrutiny during the data collection period.





Step 4: Collect data

When planning on how best to collect data in Step 4, it is important to be aware of the practical considerations and best practices for addressing logistical challenges organizations often face at this stage of the process. Implementing a data collection plan requires attention to matters such as:

- ❖ Getting buy-in from senior leadership and key stakeholders, in or outside of the organization. This group could include boards of directors, management committees, union representatives, employees, community groups, tenants, customers and service users.
- ❖ Establishing a steering committee or selecting a person(s) to be consulted and held accountable for all major decisions about the data collection process, such as design, logistics, communication, management, coordination and finances.
- ❖ Determining who will collect the data (e.g., experts or trained employees).
- ❖ Identifying the logistics, resources, technology and people needed to develop and implement a data collection initiative.
- ❖ Anticipating and addressing key stakeholder concerns and questions about the project.
- ❖ Designing a communication and consultation strategy that will explain the data collection initiative and encourage the highest possible participation rate.
- ❖ Protecting privacy and personal information by using carefully controlled procedures for collecting, storing and accessing data that comply with privacy, human rights and other legislation. Dignity and confidentiality must be respected.
- ❖ Minimizing the impact and inconvenience for the people affected in the workplace or service environment, which includes choosing the best time to collect the data.
- ❖ Aiming for flexibility to allow for changes without great expense or inconvenience.
- ❖ Considering a test period or a pilot phase to allow you to improve and modify data collection methods, as may be needed.



Step 5: Analyze and interpret data

Step 5 involves analyzing and interpreting the data collected. Whether quantitative and/or qualitative methods of gathering data are used, the analysis can be complex, or less so, depending on the methods used and the amount of data collected.

Explaining the technical steps involved in analyzing and interpreting data is beyond the scope of this guide. An organization will have to determine whether it has the internal capacity and expertise to analyze and interpret data itself, or whether it will need the help of an external consultant.

A smaller organization that has basic data collection needs may be able to rely on internal expertise and existing resources to interpret the meaning of gathered data.

Example: An organization with 50 employees wants to find out if it has enough women working in management positions, and if there are barriers to equal opportunity and advancement. The organization counts the number of female employees it has (25), and determines how many of these employees are working in supervisory and management positions (two). A few motivated employees identify some issues of concern, like gender discrimination, that may have broader implications for the organization as a whole.

After deciding to do an internal and external assessment (Step 1), and gather qualitative data using focus groups and interviews with current and past employees, senior leadership decides that barriers exist for women in the organization's recruitment, hiring, promotion and human resources policies, processes and practices. Efforts are made to work with female employees, human resources and other staff to address these barriers. The organization makes a commitment to foster a more equitable, inclusive work environment for all employees.



Step 6: Act on results

Once an organization has analyzed and interpreted the results of the data collected, it may decide to act on the data, collect more of the same type of data or modify its approach.

Quantitative and qualitative information can provide a solid basis for creating an effective action plan designed to achieve strategic organizational human resources, human rights, equity and diversity goals identified through the data collection process. If an organization feels it has enough information to develop an action plan, it should consider including the following elements:

- ❖ a summary of the results of the analysis and interpretation of the data
- ❖ identification of the barriers, gaps and opportunities that exist or may exist for *Code*-protected persons and other individuals/groups based on non-*Code* grounds
- ❖ steps that will be taken to address these barriers, gaps or opportunities now and in the future

- ❖ realistic, attainable goals with short-term and longer-term timelines
- ❖ input sought from stakeholders and affected communities
- ❖ how progress in meeting these goals will be monitored, evaluated and reported.

In some cases, an organization may decide that it needs to collect more information because there are gaps in the data collected, or areas where the data is unclear or inconclusive. This may prompt them to conduct a more detailed internal and external assessment (go back to Step 1) or try another approach.

In the end, there is no one or “right way” to conduct a data collection initiative. The experiences of Mount Sinai Hospital, KPMG Canada, the Keewatin-Patricia District School Board, TD Bank Financial Group, the University of Guelph and the DiverseCity Counts project featured in the Appendices reflect this statement, yet also show some similarities in terms of the best practices and lessons learned.



Appendices

Note: The summaries found in Appendices A to F are largely based on in-depth interviews with representatives from organizations about their data collection experiences. The terminology used here reflects the terminology used by each organization, and may not be consistent with terms the OHRC uses.

More detailed summaries for each organization will be included on the OHRC website at www.ohrc.on.ca. As well, other summaries and examples will be added to the website as the project evolves.





Appendix A

Mount Sinai Hospital

Mount Sinai Hospital (MSH) is a large patient care, teaching and research hospital affiliated with the University of Toronto. Since 2007, Media Corp Inc. has named MSH one of *Greater Toronto's Top Employers*. MSH seeks to be a national leader in all of its diversity and human rights programs, and to have a staff team that reflects the diverse patients they serve.

In November 2006, the hospital approached an external consultant to help them with a workforce survey to learn more about their staff, in terms of characteristics like race, ethnicity, disability, sexual orientation, age, gender, education, languages and place of residence. MSH was the first healthcare institution in Ontario to do such a broad workforce census.

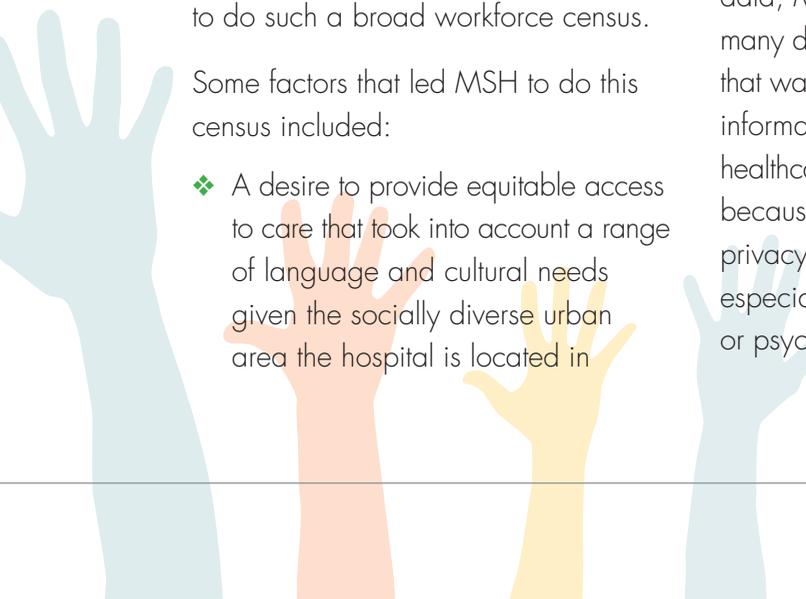
Some factors that led MSH to do this census included:

- ❖ A desire to provide equitable access to care that took into account a range of language and cultural needs given the socially diverse urban area the hospital is located in

- ❖ Concerns that some groups were underrepresented in upper management jobs
- ❖ A desire to understand the makeup and needs of its workforce, measure the success of its diversity efforts, and apply this understanding in future plans
- ❖ A history of serving members of society who faced discrimination and exclusion
- ❖ The goal to be a great place to work, teach, research and volunteer, where patients could get the best care and staff could reach their potential in an environment that was inclusive and free of discrimination.

Facing the challenges

When planning how best to collect the data, MSH had to get the support of many different stakeholders, for a project that was asking for sensitive, confidential information. They had to think about healthcare workers' desire for anonymity because of strong concerns about privacy and fear of discrimination, especially based on sexual orientation or psychiatric disability.



On the logistics side, they had to survey 5,000 staff, including many who worked shifts and did not regularly use a computer.

Preparing for the workforce census

For the past seven years, MSH's Diversity and Human Rights Office (DHR), under the leadership of the hospital's Diversity and Human Rights Committee and Marilyn Kanee, MSH's Diversity and Human Rights Advisor, had done extensive work to advance human rights issues and foster an organizational culture of inclusiveness and equity, which earned the trust and support of senior leaders, particularly the President and CEO. This trust and support was a key element as MSH prepared for the survey. Activities before the survey included:

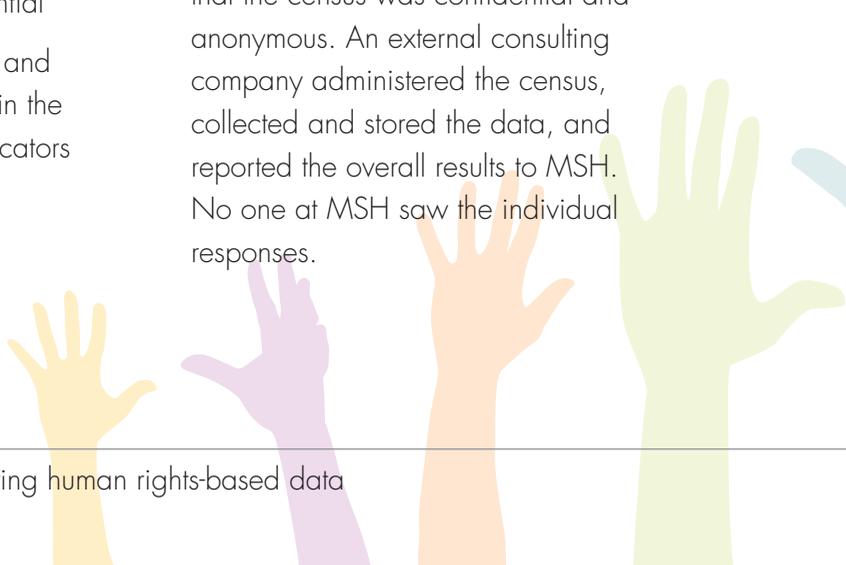
- ❖ Involving all departments in creating the census
- ❖ Working with a steering committee at all stages
- ❖ Making the census voluntary, anonymous and confidential
- ❖ Working with managers and recognized role models in the hospital as key communicators

- ❖ Involving the communication team in all meetings and review of communication materials
- ❖ Designing an extensive communication strategy that included posters, pay stub inserts, newsletter ads, staff letters from the CEO and other hospital leaders, and frequently asked question handouts.

Administering the workforce census

MSH's workforce census was launched from May 14 – 27, 2007, with an extra week added. The census included 50 questions. Staff could fill out a paper copy, use laptop computers that were made available at key locations throughout the hospital, or complete the census on computer at home. Staff who filled out the census were eligible to win prizes if they filled out a ballot and dropped it off in a drum in the main lobby.

DHR staff and committee members were on hand to answer any questions or concerns, and to assure people that the census was confidential and anonymous. An external consulting company administered the census, collected and stored the data, and reported the overall results to MSH. No one at MSH saw the individual responses.



Workforce census results

A total of 2,475 or 55% of employees completed the census. When comparing to general census statistics for the Toronto Census Metropolitan Area, the MSH workforce was judged to reasonably represent the community it serves. For example:

- ❖ Staff represent more than 100 culture and ethnicity categories
- ❖ 57% can speak a language other than English
- ❖ 38% are members of racialized groups
- ❖ 6% identified as having a disability
- ❖ 5% identified as gay, lesbian, bisexual, questioning or Two-spirited and 1.1% identified as “transgendered” (GLBTTQ).

As well, one-third of foreign-trained immigrants were less likely to be using their credentials in their jobs (21%) than people educated or born here (34%). And while there is much diversity in the lower and supervisory staff levels, diverse groups (especially racialized persons) were underrepresented in upper management positions.

MSH widely reported the results to staff in many formats, ranging from intranet articles to information forums.

Acting on the results

MSH is using the data to find where there are gaps between the make-up of its existing workforce and that of the City of Toronto. It is developing targeted programs, policies and initiatives to identify and deal with barriers. It has put a new Fair Employment Opportunity policy in place, and is working to help foreign-trained staff get their credentials recognized here.

To improve access for people from marginalized groups, MSH conducted focus groups with patients, and is implementing *Accessibility for Ontarians With Disabilities Act* (AODA) Customer Service Training. To promote respectful treatment of GLBTTQ members of the hospital community, MSH developed an anti-homophobia/transphobia communication campaign and posters and brochures promoting “equity is good for your health.” MSH partners with TRIEC to provide mentors to internationally trained professionals and is building relations with organizations that find employment for people with disabilities and recent immigrants. They are integrating human rights and diversity competencies into hiring, performance appraisals and succession planning.

Best practices and lessons learned

Some best practices and lessons learned by MSH include:

- ❖ Having strong leadership that promotes a culture of respect, inclusion and equity
- ❖ Having the support and testimonials of recognized role models in the organization
- ❖ Making people and resources available to run an extensive communication strategy
- ❖ Making the census as easy and accessible to complete as possible
- ❖ Ensuring the census has a manageable number of clear questions
- ❖ Making the census anonymous limited the ability to identify gaps and track progress in units and branches
- ❖ Offering creative incentives for taking part (such as refreshments and prizes)
- ❖ Giving people a chance to speak about their questions and concerns
- ❖ Sharing the census results
- ❖ Regardless of the participation rate, use the census as a valuable education process to learn about the organization and raise awareness.





Appendix B

KPMG Canada

KPMG LLP (KPMG) is the Canadian member firm affiliated with KPMG International, a global network of professional firms providing audit, tax and advisory services to clients in over 140 countries. KPMG in Canada has 33 offices nationally and over 5,000 professional staff.

KPMG has won many awards for its commitment to creating and supporting a diverse and inclusive workplace culture that respects and values peoples' differences. This effort has included two major data collection activities. In 2001, KPMG introduced the Pulse Survey, an annual employee engagement survey that includes questions designed to measure and track how people perceive and experience the workplace.

In June 2009, KPMG rolled out the Diversity Profile Tool (DPT), an automated process to collect specific demographic employee data. This tool replaces the old Employment Equity (EE) survey that all KPMG employees had to complete during their orientation or "on-boarding

process" because of KPMG's commitment to the Federal Contractors Program (FCP).

The DPT has 14 questions, including four mandatory questions on membership in the four designated groups required under the FCP, and 10 additional questions relating to: cultural background and national heritage, religion and faith, primary language, marriage and parental status, sexual orientation and foreign trained professional status.

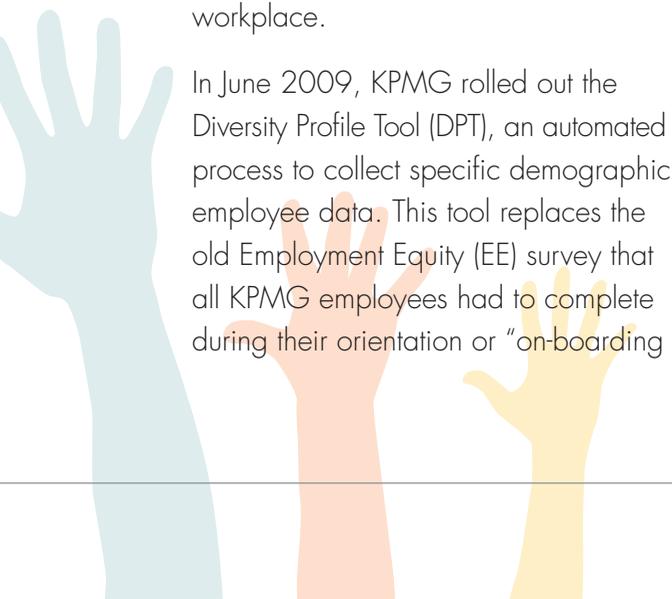
Why consider collecting data?

Factors leading KPMG to collect employee information using the Pulse Survey included:

- ❖ A desire to monitor and measure the impact and success of KPMG's diversity initiatives and programs, and to identify gaps
- ❖ A commitment to making sure its leaders address and act on the outcomes of the Pulse Survey.

Factors leading KPMG to use the DPT included:

- ❖ A need to comply with the FCP and the *Employment Equity Act*, so that KPMG can continue to do business with the federal government



- ❖ A desire to enrich both KPMG's national diversity strategy and its people programs so that KPMG can continue to target and meet the needs of its employees
- ❖ A desire to better reflect the changing needs of KPMG's people and create a workplace that not only complies with legislation, but is also truly inclusive.

Goals of the Pulse Survey and the Diversity Profile Tool

Data collection is designed to help KPMG:

- ❖ Better target, monitor and shape its diversity initiatives
- ❖ Better engage its people
- ❖ Create and support a diverse, welcoming and inclusive work culture that respects and values peoples' differences
- ❖ Be an employer of choice.

Facing the challenges

Challenges when planning for the Pulse Survey included:

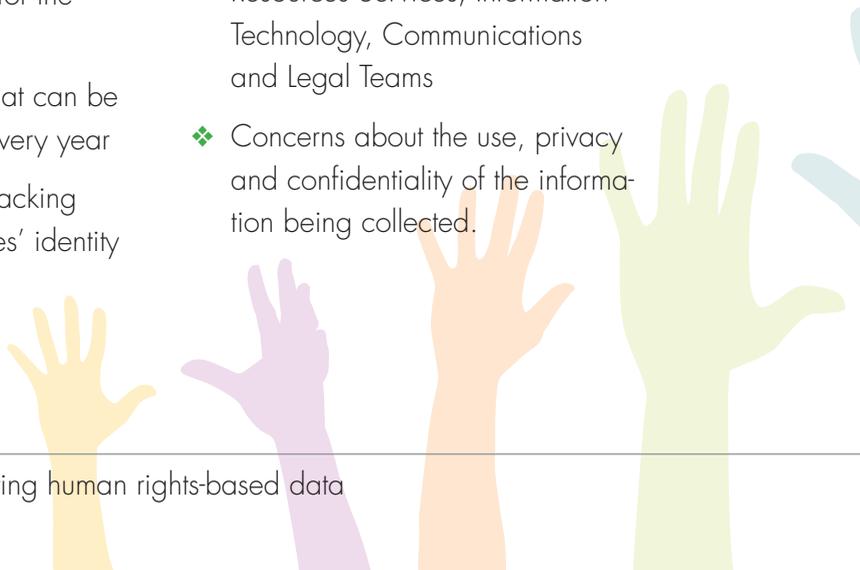
- ❖ Developing statements that can be tracked and measured every year
- ❖ Technical limitations of tracking intersections of employees' identity

(for example, the survey can show how women and visible minorities will respond to the statement, "Racist comments are not tolerated at KPMG," but it cannot show how women who are visible minorities respond to the same statement)

- ❖ The difficulty of not being able to track certain groups of employees by office, because people are not self-identifying, or because there is not a large enough sample size in each office.

Challenges when planning for the DPT included:

- ❖ Developing a strong business case to get buy-in from senior leaders, particularly the partners, associate partners and "People Leaders"
- ❖ Gaining the support of other stakeholders in the organization who would play key roles in developing, implementing, delivering and ensuring the quality of the DPT, like the Human Resources Services, Information Technology, Communications and Legal Teams
- ❖ Concerns about the use, privacy and confidentiality of the information being collected.



Preparing for the Pulse Survey and the Diversity Profile Tool

To address the above challenges, KPMG did the following before launching the Pulse Survey:

- ❖ Made diversity a strategic business priority and set goals that showed a serious commitment to respecting and valuing peoples' differences
 - ❖ Worked closely with an external provider and employee engagement expert to create statements that could be tracked over the long term and that would allow respondents to provide feedback that was relevant to KPMG's work
 - ❖ Collected and analyzed qualitative data through such methods as focus groups, to track intersections of employees' identity and understand how people can see the workplace differently
 - ❖ Used different approaches to track and address issues that affect groups that may not self-identify and/or may not have a large enough sample size (including setting up a mentoring program and working with various KPMG networks, task forces and local or national Diversity Councils).
- Before launching the DPT, KPMG:
- ❖ Had the Diversity, Equity and Inclusion team coordinate the initiative, including identifying and involving all key decision-makers/stakeholders in planning, implementing and communicating the DPT
 - ❖ Piloted the DPT in early 2009 with a national human resources group, to refine the survey and create a draft frequently asked questions (FAQs) document
 - ❖ Consulted other human resources staff before developing a final FAQs document that was sent to all staff
 - ❖ Identified champions within the organization to be key communicators and to promote the importance of completing the Diversity Profile
 - ❖ Had Communications, the Diversity, Equity and Inclusion Team and the Chief Human Resources Officer (CHRO) review all messages before they were sent out
 - ❖ Involved both internal and external legal counsel in preparing the demographic data collection questions, to make sure KPMG met all legal, privacy and confidentiality requirements, and reassured respondents that all responses were anonymous

- ❖ Conducted an extensive communication plan to answer why the demographic questions were being asked and how employees benefited from taking part
- ❖ Through the communication strategy and FAQs, explained the many steps being taken to ensure both privacy and confidentiality, ranging from keeping the data encrypted to guaranteeing no employee would be singled out because of their responses, to assuring that no profile information would be shared with Performance Managers or any unauthorized persons.

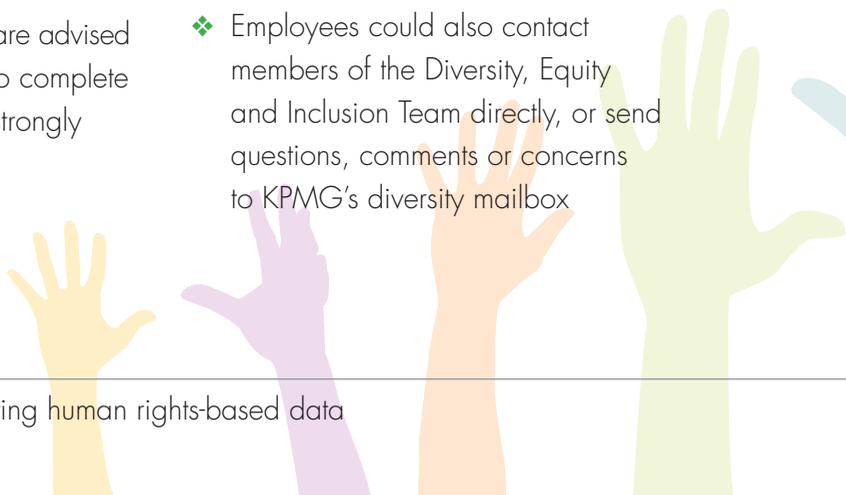
Administering the Pulse Survey and the Diversity Profile Tool

Pulse Survey:

- ❖ This voluntary employee engagement survey is conducted every year, usually in November or early December
- ❖ The survey contains 16 statements (out of approximately 90 questions overall) that relate to diversity, and eight demographic questions
- ❖ Employees and partners are advised that it is not mandatory to complete the survey, but they are strongly encouraged to fill it out.

Diversity Profile Tool:

- ❖ The tool has 14 questions, including four mandatory ones on membership in the four designated groups required as part of the FCP, and 10 questions relating to such areas as cultural background and national heritage
- ❖ Respondents can choose not to answer a question but must submit their profiles, even if they opt out of answering some or all of the questions
- ❖ In June 2009, KPMG's CHRO launched the DPT by sending an e-mail to the partners, associate partners and People Leaders that outlined the DPT, its importance and its benefits. FAQs were included to help management address staff questions
- ❖ The National Director of Diversity, Equity and Inclusion sent a similar e-mail to all staff 1 – 2 weeks later
- ❖ The HR Services Team was available to respond to any questions or concerns, and had a detailed script
- ❖ Employees could also contact members of the Diversity, Equity and Inclusion Team directly, or send questions, comments or concerns to KPMG's diversity mailbox



- ❖ Employees who did not complete their Diversity Profiles would get automated e-mail reminders
- ❖ The DPT is now included in the orientation process.

Key results

Pulse Survey:

- ❖ Last year's return and response rate was 77%; the sample size was 5,144 employees
- ❖ The response was 12 – 18% higher to the statement, "My future career opportunities look good here at KPMG, overall."
- ❖ Many groups are feeling more positive in terms of gender and visible minority stereotypes being effectively addressed, and KPMG has seen how creating a welcoming, inclusive environment is leading to higher productivity and increased loyalty
- ❖ Efforts to embed diversity in the business and address work-life effectiveness, through initiatives like Fitness Memberships, flexible work programs and reflection rooms, are translating into lower absenteeism and sickness – and healthier employees

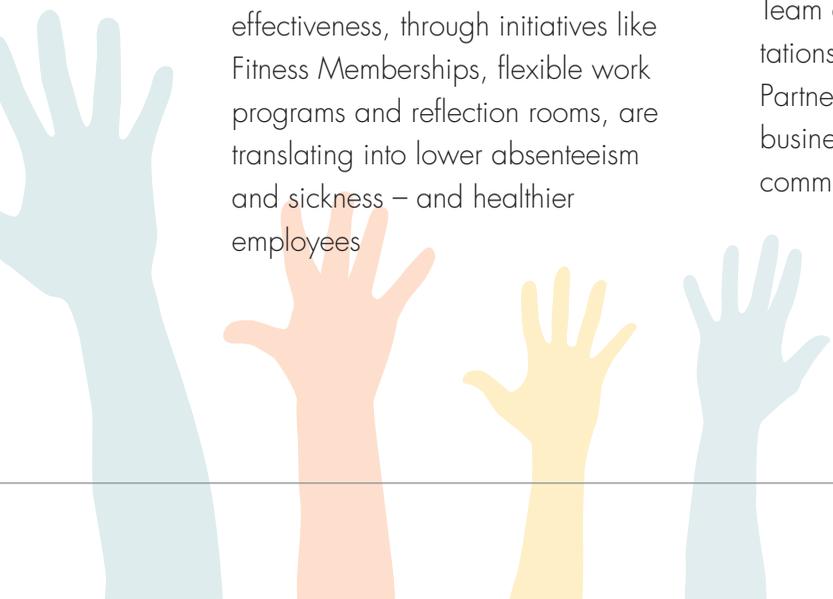
- ❖ More people will access and benefit from programs that are actively promoted (such as the Sabbatical Leave program), which is very important because KPMG's programs and benefits are a major attraction for people joining the firm
- ❖ Overall, the results say that KPMG has to continue the momentum of the work it is doing.

Diversity Profile Tool:

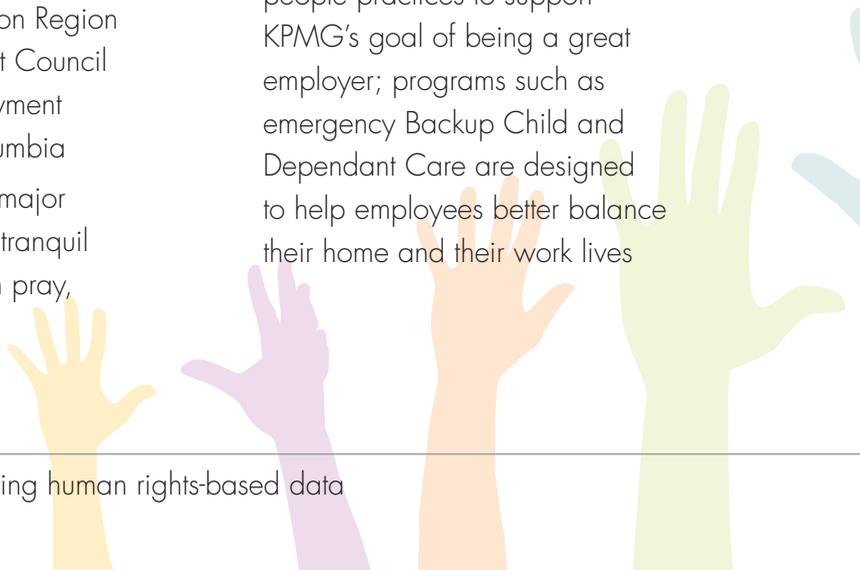
- ❖ The sample size was 5,144 employees. Because the DPT was recently launched and follow-up e-mails are still being sent, KPMG does not yet have key results to report on and cannot confirm a return and response rate
- ❖ KPMG anticipates being able to report to staff on key results by the end of the fiscal year.

Acting on the results of the Pulse Survey

- ❖ The Diversity, Equity and Inclusion Team deliver results through presentations or information meetings with Partners, People Leaders and each business unit leader, who in turn communicate results to their staff



- ❖ Depending on the nature of an issue of concern and where it is based, KPMG will tailor interventions accordingly. Examples include:
 - holding focus groups to better understand and address issues
 - conducting professional development and/or diversity training
 - connecting people to KPMG’s professional clubs/networks
 - setting up a Diversity Council in a particular office or region to address local diversity issues, and to implement and leverage solutions within the business units, consistent with KPMG’s national strategy
- ❖ Some examples of programs that have arisen from employee feedback, like the Pulse Survey results, include:
 - KPMG’s support of TRIEC’s Mentoring Partnership program to help new Canadians who are existing or potential employees. KPMG has also formed partnerships with the Edmonton Region Immigrant Employment Council and Immigrant Employment Council of British Columbia
 - reflection rooms in its major offices give people a tranquil space where they can pray, reflect and meditate
 - the *Reciprocal Mentoring Program* connects senior KPMG leaders with employees of diverse backgrounds and varying levels
 - a program to increase the number of women and visible minorities in partnership positions is helping remove barriers to advancement and diversify the workforce
 - the national *KPMG Aboriginal Task Force*, headed by an Aboriginal partner, is working to raise awareness of Aboriginal issues, support and enhance the needs of Aboriginal employees, and is helping to implement a strategy for educating, recruiting and retaining Aboriginal persons in the accounting industry as a whole
 - a pilot *Aboriginal Youth Mentoring Program* encourages Aboriginal youth to complete high school and pursue careers in accounting
 - *People Matters* is a firm-wide initiative that focuses on designing people practices to support KPMG’s goal of being a great employer; programs such as emergency Backup Child and Dependant Care are designed to help employees better balance their home and their work lives



- ❖ Data collected from the Pulse Survey allows KPMG to set targets for improving the organization and making it more inclusive
- ❖ All of KPMG's business unit leaders are accountable for addressing diversity concerns in their unit by tracking, comparing and evaluating all business units' Pulse Survey results, year after year
- ❖ KPMG is also developing a diversity report card that will include key performance indicators based on such factors as the Pulse Survey results, retention rates, and the community involvement of a business unit.

Best practices

- ❖ Collecting information through the Pulse Survey, on an annual basis, has helped KPMG to: track and monitor its progress; recognize that "you can't monitor what you don't measure;" be proactive rather than reactive; and make sure its programs are effective
- ❖ Gathering annual data through the Pulse Survey has helped KPMG identify gaps, trends and issues of concern.

Lessons learned

- ❖ Unless people identify themselves (e.g., as a visible minority or Aboriginal person), further effort and creativity is required to track and monitor a group
- ❖ When organizations are developing statements/questions for an annual survey or other tool, they should try to design questions they will want to ask over the long term
- ❖ It is okay to modify statements/questions now and then, but modifying them too much can prevent an organization's ability to track a response
- ❖ Tracking the intersections of peoples' identity and how they can experience or see the workplace differently is helpful
- ❖ When possible, organizations should supplement numbers with qualitative data collection methods. This approach can often provide a better understanding of an issue and how to address it
- ❖ When concerns arise and changes are made, do not expect change to happen right away. Some issues can be resolved that quickly, but in most cases, it is a longer process to see an organizational culture change.



Appendix C

Keewatin-Patricia District School Board

Ontario's New Approach to Aboriginal Affairs commits the government to working with Aboriginal leaders and organizations to improve education outcomes among Aboriginal students.³² The challenge for the Ministry of Education (MOE) in helping Aboriginal students and assessing progress "was the absence of reliable student-specific data on the achievement of First Nation, Métis, and Inuit students across Ontario."³³

In March 2003, MOE provided funding to support an Aboriginal student self-identification policy research pilot project, an initiative of Northern Ontario Education Leaders (NOEL) and Northern Aboriginal Educational Circle (NAEC). The Keewatin-Patricia District School Board (KPDSB) was one of two boards selected to work together to develop a self-identification policy. Plans were for this policy to eventually be used by all of the NOEL boards, to give the MOE reliable data on Aboriginal students.

As a result of the NOEL pilot project, six school boards in north-western Ontario have developed a self-identification policy.

About the KPDSB

The KPDSB is one of the most geographically dispersed school boards in Ontario,³⁴ with 16 elementary schools and five secondary schools spread over 70,950 square km.³⁵ The KPDSB serves approximately 5,446 students,³⁶ 38% of whom self-identify as Aboriginal.³⁷ Estimates are that this figure will reach 50% by 2010.³⁸ Meeting the needs of this growing student population was one of the key factors that influenced the KPDSB to develop and approve the *Voluntary and Confidential Self-Identification for First Nations, Métis and Inuit Students Policy* (the *Policy*) in 2004.³⁹ In 2005, KPDSB asked all of its Aboriginal⁴⁰ students to self-identify on school registration forms, making it one of the first Ontario school boards to do so.



Many factors led the KPDSB to consider collecting self-identification information, including:⁴¹

- ❖ A large and growing Aboriginal student population, particularly of First Nation heritage
- ❖ Concerns about academic achievement gaps between Aboriginal and non-Aboriginal learners in the areas of literacy and numeracy, retention of students, graduation rates and advancement to post-secondary studies⁴²
- ❖ A lack of accurate, reliable data on the numbers and makeup of Aboriginal students, combined with an understanding that this data is a critical foundation for making sure programs support students' needs
- ❖ A belief that a responsive, transparent and accountable policy can help students achieve their goals, and enhance partnerships with Aboriginal parents and the general First Nation, Métis and Inuit community
- ❖ To request additional funding from the provincial government to support Aboriginal students in the same way that immigrant students are supported in southern Ontario.

Facing the challenges

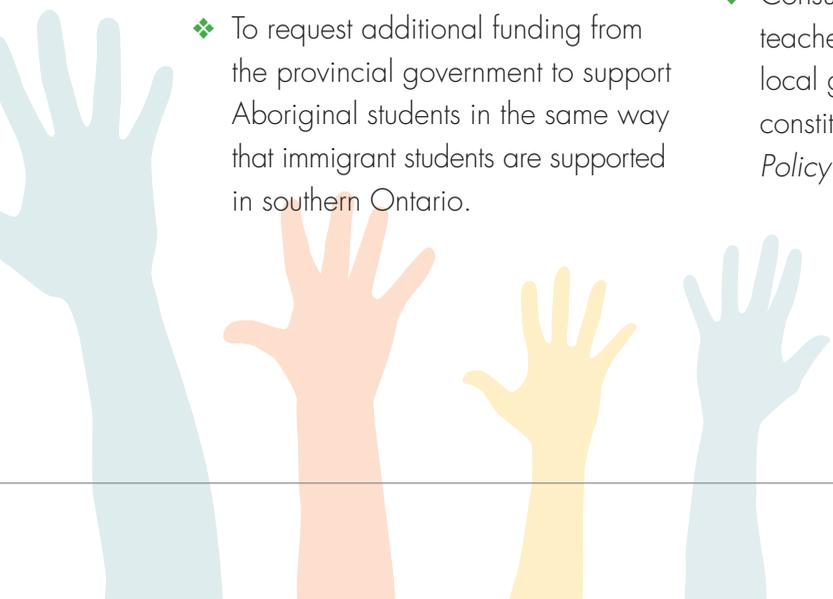
KPDSB faced several challenges when planning its *Policy*, including:

- ❖ The need to secure the trust and support of Aboriginal families and their communities
- ❖ The need to counter historically ingrained fears of stereotyping and discrimination in the Aboriginal community, based on negative experiences with data collection in the past
- ❖ The strong sensitivity to the information being collected, its use, confidentiality and privacy protection measures
- ❖ The logistics of informing and surveying approximately 6,200 students dispersed over a large area.

Preparing for the *Policy* and student survey

To address these challenges, steps included:

- ❖ Consulting widely with principals, teachers, students, communities, local groups and other key constituencies before drafting the *Policy* and during its development



- ❖ Working with the Kenora Catholic District School Board, NAEC through NOEL, local community partners and First Nation organizations to reach out to Aboriginal parents and community members
- ❖ Designing an extensive communication strategy that included local public meetings with Aboriginal parents, local newspaper coverage, letters to parents and brochures
- ❖ Developing Aboriginal parents and educators as advocates
- ❖ Addressing privacy concerns by assuring that all data would be securely stored, treated in the same way as Ontario Student Records, would not reveal individual data,⁴³ and would only be used to enhance Aboriginal education programming
- ❖ Training secretaries and front-line administrative staff in schools to sensitively answer questions from parents about the registration form
- ❖ Designing a simple survey question that asked students to self-identify as being of “Aboriginal ancestry,” which KPDSB clarified as including Métis and Inuit.

Administering the student survey

On January 12, 2005, KPDSB mailed out student registration forms to over 6,200 students, accompanied by a cover letter and brochure explaining the *Policy*, why data was being collected and how confidentiality would be protected. Parents could answer the survey question on behalf of the student, particularly for elementary school-aged children. They were given a few weeks to respond.

Each school was responsible for tracking who had self-identified, and for following up when people had not responded. Families were advised to return the forms, even if the self-identification question was left blank.

The student registration form was later revised to ask whether the student is of “Native Ancestry,” with the choice of selecting either “First Nation, Métis, or Inuit.”⁴⁴ Revised forms were only sent to students who had self-identified in the student registration forms mailed out in 2005.



Key results

KPDSB estimates that just under 100% of elementary and approximately 80% of secondary Aboriginal students have self-identified on school registration forms.⁴⁵ The approximate sample size is 2,200 Aboriginal students. Key results from analyzing the data include:

- ❖ There is an academic achievement gap between Aboriginal and non-Aboriginal students
- ❖ With targeted support and programming, Aboriginal students appear to be improving at the same rate as non-Aboriginal students, showing that Aboriginal students are just as capable of achieving
- ❖ There is an oral language gap between Aboriginal and non-Aboriginal students entering the system at the Junior Kindergarten and Senior Kindergarten levels, affecting Aboriginal students' literacy skills
- ❖ There appears to be a long-held belief about the ability of Aboriginal students to achieve that may be affecting the self-confidence of Aboriginal students and their communities.

Acting on the results

The KPDSB will continue to collect this data on an ongoing basis. It asks for this data on registration forms for all new students. Secretaries and front-line staff continue to be trained on how to discreetly and respectfully speak to students and their families about the *Policy* and address questions. Other steps the Board is taking include:

- ❖ Continuing to report its progress at public Board meetings and through a wide variety of other communication tools
- ❖ Placing special emphasis on celebrating the achievements and progress of Aboriginal students to encourage and inspire Aboriginal students, their communities and the broader public
- ❖ Identifying and addressing barriers by developing targeted programs, policies and initiatives, such as a brochure highlighting the successes of the *Policy's* results for distribution to students, their families and communities
- ❖ the Self-Identification Oral Language Project, sponsored by the MOE's Literacy and Numeracy Secretariat, to improve oral language skills which will lead to increased reading comprehension⁴⁶

- ❖ Character Development initiatives that are based on Anishinaabe Seven Grandfather Teachings, such as restorative practices, progressive discipline and Aboriginal healing circles. The results have been gains in creating a systemic culture of caring and inclusion, and a greatly reduced number of formal suspensions⁴⁷
- ❖ a Voice for Vision retreat, where all KPDSB secondary school students identify concerns and ideas that make for successful learning.

Best practices and lessons learned

- ❖ When engaging First Nation Communities, it is recommended to ask their permission first, before discussing pertinent issues with regional Political Territorial Organizations and/or Tribal Councils such as Grand Council Treaty #3, as well as other Aboriginal organizations such as the Métis Nation of Ontario
- ❖ Create an effective communication plan, including print material such as brochures that families can take home to read
- ❖ Develop Aboriginal parents and educators as advocates to help explain the *Policy* and its implementation goals
- ❖ Conduct extensive, transparent consultations
- ❖ Address privacy and confidentiality concerns, and assure that the data will be used in a positive way that is directly related to improving Aboriginal student achievement and reducing gaps
- ❖ Train secretaries and other front-line staff about the *Policy* so they understand the initiative, are sensitive to and can respond to the concerns raised
- ❖ Report results to stakeholders and affected communities
- ❖ “The collection of self-identification data helped KPDSB design and implement targeted programs and supports for Aboriginal students that would not necessarily have been thought of or considered.”⁴⁸
- ❖ “When you ask difficult questions, you may learn things about yourself that you are not comfortable with, but you must still respond appropriately.”⁴⁹





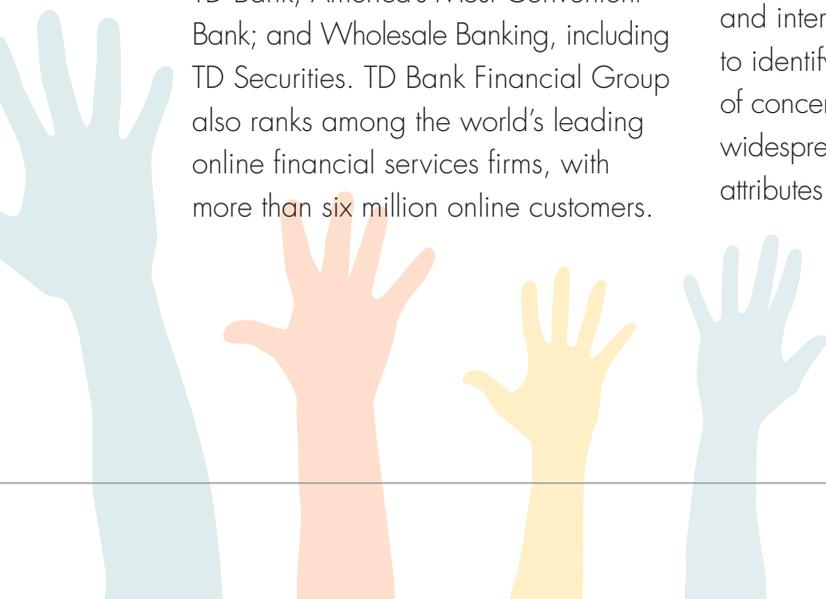
Appendix D

TD Bank Financial Group

Headquartered in Toronto, with more than 2,300 locations and 74,000 employees worldwide, The Toronto-Dominion Bank and its subsidiaries are collectively known as TD Bank Financial Group (TD). TD Bank Financial Group is the sixth largest bank in North America by branches and serves more than 18 million customers in four key businesses, operating in a number of locations in key financial centres around the globe: Canadian Personal and Commercial Banking, including TD Canada Trust and TD Insurance; Wealth Management, including TD Waterhouse and an investment in TD Ameritrade; U.S. Personal and Commercial Banking, including TD Bank, America's Most Convenient Bank; and Wholesale Banking, including TD Securities. TD Bank Financial Group also ranks among the world's leading online financial services firms, with more than six million online customers.

TD is committed to building an inclusive environment where all employees and customers feel welcomed and respected. As part of its corporate diversity strategy, one of TD's key priorities is to be recognized by the Lesbian, Gay, Bi-sexual and Transgender (LGBT) community as their bank of choice. TD views this community as an important part of its customer base. The International Gay and Lesbian Chamber of Commerce estimates that Canada includes two million LGBT consumers with spending power of \$100 billion.

Since 2007, TD has been working with external research partners to conduct multiple research studies and collect data on the LGBT customer segment. Different research tools have been used, including focus groups, interviews and surveys. Focus groups and interviews were useful in helping to identify and explore, in depth, issues of concern. Surveys help determine how widespread a particular issue or set of attributes might be in a community.



Why consider collecting data?

Various factors led TD to collect data about the LGBT community, including:

- ❖ A desire to be recognized by the LGBT community as the bank of choice
- ❖ A desire to better serve LGBT customers
- ❖ A desire to better understand the attitudes and preferences, product and service needs of the LGBT community
- ❖ A desire to identify meaningful community initiatives to support.

Goals of collecting data

The key goals of collecting data were to help TD:

- ❖ Identify key issues of concern to the LGBT community
- ❖ Measure the LGBT community's awareness of Canada's major banks and the likelihood of LGBT customers doing business with these banks
- ❖ Determine which financial institution, if any, is the bank of choice in the LGBT community
- ❖ Examine perceptions of the service received and the overall customer experience of the LGBT community when dealing with Canada's major banks

- ❖ Determine responses of community members to potential advertising campaigns.

Facing the challenges

TD faced the following challenges in planning the focus groups, interviews and surveys:

- ❖ The difficulty of locating and encouraging the participation of LGBT persons – and doing so within budget and time constraints
 - for example, TD found that the LGBT population was fairly small (estimates are that 2% of the population identify as LGBT), and some members of the community are reluctant to identify themselves as LGBT
- ❖ The need to make sure that research questions used in the focus groups, interviews and surveys were worded in an appropriate and sensitive way
- ❖ A recognition that surveys tended to focus on people living in larger Canadian cities because of budget constraints and the fact that larger urban centres have larger LGBT communities. Research done in this way can over-represent individuals living in large urban centres, which must be kept in mind when interpreting results
- ❖ Concerns about the use, privacy and confidentiality of the information being collected



- ❖ The need to generate sufficient data to develop a strong business case to get buy-in from senior leaders and other stakeholders in the organization that would be responsible for playing a key role in decision-making, planning, communicating and implementing the data collection initiatives.
- ❖ Worked with an internal employee advisory committee including LGBT employees across all levels of TD, to get feedback on the challenges, provide advice on the recommended approach and inform decision-making
- ❖ Engaged senior leaders across TD throughout the process to address decision-making, planning, communicating and implementing the data collection research projects

Preparing for the data collection initiative

To address the above challenges, before collecting data through focus groups, interviews and surveys, TD:

- ❖ Launched a formal diversity strategy that was aligned with its corporate Guiding Principles, Leadership Profile and action-oriented plans which showed a serious commitment to creating and supporting an inclusive, equitable and welcoming organizational culture for employees, customers and clients
- ❖ Made promoting and enhancing an inclusive environment for LGBT customers, clients and employees a Diversity Priority
- ❖ Hired various external research partners based on their experience with the LGBT community and capacity to conduct the necessary range of quantitative and qualitative data collection approaches
- ❖ Worked in partnership with the research organization to set the appropriate number of surveys to allow for reliable results and conclusions
- ❖ Paid careful attention to the wording of all survey questions, to make sure the language was appropriate and neutral, making changes along the way based on participants' reactions/responses to key questions
- ❖ As in all marketing research carried out by, or on behalf of, TD, potential participants were assured, up front, that: participation was voluntary; the research was to be conducted per the guidelines of the *Personal Information Protection and Electronic Documents Act* (PIPEDA); and that their input would be dealt with in a strictly confidential manner. Details regarding data storage and access are not normally offered at this stage in the research process.

Administering the data collection initiative

Under the guidance of TD, an external research firm developed and programmed the survey instruments, posted them online and analyzed the results between October 2007 and October 2008. Respondents were members of an online panel, sent e-mail invitations by the researchers, and assured their responses would be confidential and anonymous.

Among most research surveys undertaken by financial service institutions, it is general practice to screen out people who work in financial institutions. However, due to the small population size of the target market, occupation screening was not included here.

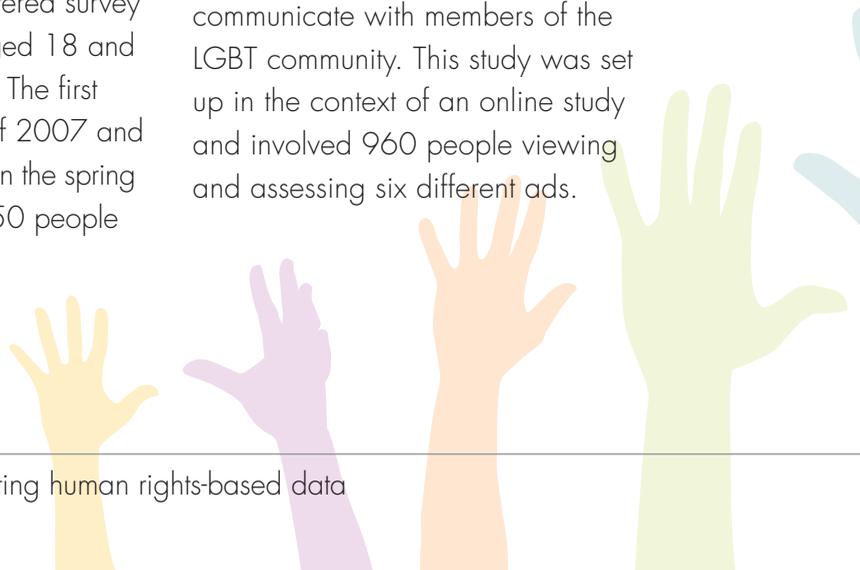
Each study included enough surveys to make sure that results are statistically reliable so that all observations and conclusions could be made with a high level of confidence.

The research firm conducted two studies using an online self-administered survey among Canadian adults aged 18 and older who identify as LGBT. The first study was done in the fall of 2007 and the second study was done in the spring of 2008. Approximately 550 people participated in each survey.

The survey research was designed to assess the following areas:

- ❖ Ratings on several factors that help “drive” the brand:
 - Awareness of TD and other banks: When you think of companies that offer financial products and services, which bank comes to mind?
 - Likelihood to do business with TD and other banks: When you are in need of a new bank account or credit card, which bank would you choose?
 - Identifying bank of choice: If you had to choose a bank to do business with, which bank would you choose?
 - The ability of TD to resolve LGBT customer problems
 - Improvement opportunities
- ❖ Financial goals and banking habits.

Another research study was conducted to specifically assess perceptions of advertising and connect and communicate with members of the LGBT community. This study was set up in the context of an online study and involved 960 people viewing and assessing six different ads.



TD asked the following types of questions after showing a mock-up of an LGBT ad that might appear in a newspaper:

- ❖ Did you see the ad and did it register with you?
- ❖ Was there an association with TD?
- ❖ Did viewers take away the right message – that TD is a progressive bank dedicated to taking care of all Canadians?
- ❖ Is the ad different from the ads of other financial institutions?
- ❖ How did the ad make you feel?
- ❖ Was the ad relevant and believable?
- ❖ Did the ad make you change your attitude towards TD?

Key results

In the first online self-administered survey study, the final sample consisted of 63% gay, 27% lesbian, 11% bisexual and <1% transgender persons. In the second study, the final sample consisted of 43% gay, 18% lesbian, 39% bisexual and 2% transgender people.

For both online self-administered survey studies, analysis of results included:

- ❖ Percentage results for each question asked
- ❖ Comparison of results between gay vs. lesbian vs. bisexual sub-groups;

the results from participants that self-identified as transgender were too small to draw a meaningful comparison

- ❖ Comparison of results between the two study periods
- ❖ Analysis showing what service elements had the most impact on bank preference.

While financial institutions have not in general had a strong presence within Canada's LGBT community, TD believed that it was among the leaders. Both online surveys confirmed this. Among the findings were the following:

- ❖ Overall, TD leads the pack with the LGBT community – it is this community's "Main Financial Institution"
- ❖ A significant number of LGBT community members were unable to mention any financial institution as being "most involved in corporate funding support of the LGBT community"
- ❖ There was an opportunity to make our advertising more motivating to members of the community.

Acting on the results

TD is committed to maintaining and enhancing its position as the bank of choice for the LGBT community. TD will apply (and in fact is already applying)

the lessons learned to help in the following areas:

- ❖ Developing advertising (both the creative images and the messages) across all channels that TD uses (in-branch posters and brochures, online and print advertisements)
- ❖ Creating internal messaging for sales and service staff
- ❖ Developing tailored product and service offerings to better serve the LGBT community
- ❖ Selecting what community events to sponsor and/or take part in based on what's important to the LGBT community. For example, TD contributes to the following initiatives in the LGBT community:
 - serving as a major sponsor and having dozens of employees get involved as volunteers during Toronto's annual Pride Week celebration
 - sponsoring Pride events such as Célébrations LGBT Montréal, Pride London, Kelowna Pride, Tri-Pride in Kitchener/Waterloo and Pride Edmonton
 - presenting sponsor for the Lesbian Gay Bi Trans Youth Line's 10th annual Youth Line Community Youth Awards
 - participating in arts and culture events including: the London

Lesbian Film Festival, Inside-Out Film Festival in Toronto, the Queer Film Festival in Vancouver, and Image+nation in Montreal

- supporting Jer's Vision, an Ottawa-based group that does anti-homophobia work in high schools
 - supporting other organizations including Casey House Hospice, SNAP! (a photography auction and competition organized by the AIDS Committee of Toronto), Art for Heart (an art auction in Toronto and Vancouver) and Maskarade, the masquerade ball fundraiser in Montreal spear-headed by the Farha Foundation
 - working with Vancouver's St. Paul's Hospital Foundation, in support of laboratory technology at the hospital's world-renowned B.C. Centre for Excellence in HIV/AIDS
 - working with Women's College Hospital and community health partners, launched an awareness campaign aimed towards women in same-sex relationships to ensure they have regular Pap tests
- ❖ Developing internal policies, practices and programs to continue to offer an inclusive environment where LGBT employees feel comfortable and welcome



- ❖ Developing policies, practices and programs to raise awareness about LGBT issues across TD.

Additional insights from the research will continue to help TD's ongoing development of marketing and business strategies and programs targeted to the LGBT community.

Results of the research were disseminated throughout the organization to decision-makers, advisory groups and committees both representative of the community and responsible for business areas.

Best practices

- ❖ Be prepared for the cost implications of necessary pre-screening. With the small population size of the LGBT community and the difficulty in locating and identifying this group, pre-screening is necessary. Completing research with this audience is more expensive than research conducted with the general population
- ❖ Longer timeframes are needed to conduct the survey, compared to general research studies. Due to the challenge of locating individuals, a longer research period is needed to get the desired number of completed surveys. Any future research project should allow for more time to locate, identify and question this group, compared

with the time needed to survey the general population.

- ❖ Partnering with a third-party research company enables objective and honest communication. This allows LGBT persons to provide their thoughts in an environment that is protected from outside influences (such as direct company-to-LGBT customer contact). The results gathered through a third-party research company can be completely anonymous.

Lessons learned

- ❖ Comparing LGBT results to a general representative population is encouraged, to identify opportunities and risks unique to this customer segment
- ❖ Partnership with a LGBT publication/organization that has a targeted customer list might help to broaden the target universe and dramatically increase research participation rates (by leveraging a vehicle the community trusts)
- ❖ Creating an LGBT community research panel – comprised of members of the community across Canada – with a smaller group of individuals allows for ongoing dialogue
- ❖ Holding focus groups where members can remain anonymous could offer benefits beyond the scope of any one survey.



Appendix E

University of Guelph

The University of Guelph (U of G) includes seven colleges, with programs spanning the natural and physical sciences, social sciences and the humanities. The U of G, which is committed to equity, is ranked as one of Canada's top comprehensive universities for its commitment to student learning and innovative research.

In 1990, U of G administered a full-scale workforce census and established an employment equity policy and plan, following work that started in 1987 when the University made a formal commitment to the Federal Contractors Program (FCP).⁵⁰ Under the FCP, provincially regulated employers with more than 100 employees that want to earn federal government contracts of \$200,000 or more must show a commitment to implementing employment equity⁵¹ for four designated groups: Aboriginal Peoples, members of visible minorities, women and people with disabilities.

Since then, U of G has conducted a full workforce census in 2000 and taken steps to promote equity and achieve a representative workforce. The key goals of U of G's workforce census were to:

- ❖ Get an accurate picture of the four designated employment equity groups in U of G's workforce
- ❖ See if its workforce reflected the Canadian labour market
- ❖ Create an environment that attracts a diverse workforce and encourages all current and prospective employees to work to their full potential
- ❖ Adopt and implement employment equity strategies to identify and remove barriers to equity.

Facing the challenges

When planning how to best collect data in 2000, U of G faced several challenges, including:

- ❖ Getting buy-in across the organization, including 11 union and employee groups

- ❖ Countering negative perceptions about employment equity and individual abilities
 - ❖ Strong sensitivities around the information being asked for, its use, handling and confidentiality
 - ❖ Responding to the exclusion of non-designated groups and employee concerns that the focus was only on the four designated groups
 - ❖ Balancing limited resources with the need to reach several thousand employees located on and off-campus.⁵²
- ❖ Sending key messages to address the concerns of non-designated groups – on how everyone benefits from employment equity, the goal of removing barriers so all employees are treated equitably, and that anti-discrimination steps would apply to all groups facing systemic discrimination
 - ❖ Creating survey packages with a simple survey form, a return envelope, information handouts, contact information, a covering letter endorsed by U of G's president and the presidents of all of the union and employee groups

Preparing for the workforce census

Before launching the workforce census, steps included:

- ❖ Organizing an Employment Equity (EE) Committee⁵³ that represented all key players, to consult on all major survey steps
- ❖ Designing a comprehensive communication strategy, including community consultations, town hall meetings, information sessions, employee group meetings, a poster campaign, campus press articles, notices in paycheques, radio announcements and a toll-free telephone line

- ❖ Addressing privacy concerns by stressing that no individuals would be identified, the information would remain confidential and separate from regular personnel records, and that data would only to be used for employment equity purposes.

Administering the workforce census

U of G's "Census Week" took place March 6 – 10, 2000. An external consulting company was hired to administer the census, collect and analyze the data off-site and report the overall results.

The census form in 2000 was on paper and included four questions. All employees who had worked there for three months or more were asked to voluntarily declare whether they were members of one or more of the four designated groups

The consultants and staff from the Human Rights and Equity Office were available to answer questions or concerns.

Workforce census results

In 2000, the return rate⁵⁴ was 74% and the response rate⁵⁵ was 70% for regular full-time employees. The consultant analyzed and interpreted the data, and compared the results to external labour market availability data (Statistics Canada census data).

The results showed that members of the four designated groups were all under-represented in varying degrees among University employees in one or more federally defined employment equity occupational groups, on the main campus and at satellite campuses.⁵⁶

After the 2000 census, the consultants did an employment systems review, to help U of G identify and remove discriminatory barriers in its policies, procedures and practices. The workforce analysis helped inform this process, as did interviews and focus groups with a range of university constituents, including

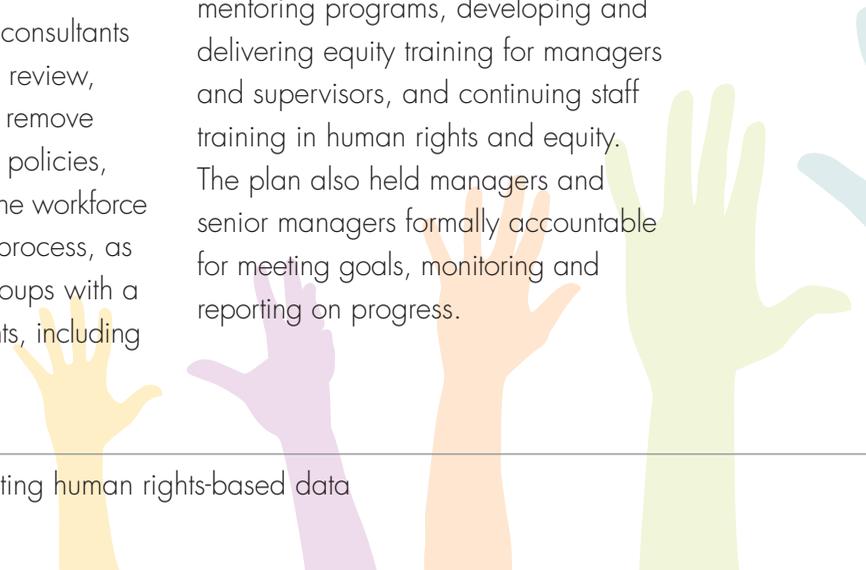
“lesbian, gay, bisexual, transgendered and transsexual” (LGBTT) persons.⁵⁷

The employment systems review revealed many positive features of U of G’s work environment that supported employment equity goals.⁵⁸ However, the review also found inconsistencies, policies, practices and some elements of the workplace culture that negatively affected employees, especially equity-seeking groups.⁵⁹

Acting on the results

The analysis and review was shared with the EE Committee, and also shared in employee newsletters, list-serves, meetings, university papers and on the HREO website.

U of G used the findings and EE Committee recommendations to develop an employment equity plan for 2003 – 2007. This plan included an ongoing commitment to employment equity, setting and communicating equity goals for hiring in under-represented areas, creating tailored outreach and mentoring programs, developing and delivering equity training for managers and supervisors, and continuing staff training in human rights and equity. The plan also held managers and senior managers formally accountable for meeting goals, monitoring and reporting on progress.



Results are stored on a database, which U of G regularly updates by providing surveys to employees who are new or who want to change information they had previously submitted. The entire survey package is now available on-line. This data will provide important information for the next employment equity plan, which is now being developed.

Best practices and lessons learned

Best practices and lessons learned include:

- ❖ Before starting to collect data, address such key questions as the purpose of collecting data, what data will be collected, about who, how, when, etc.
- ❖ Get buy-in and feedback from key constituencies in the organization, and conduct community consultations well in advance of the survey launch
- ❖ Share ownership of the process with all stakeholders, and work collaboratively to make sure the process is transparent
- ❖ Address participants' privacy protection and confidentiality concerns
- ❖ Develop a plan that contains realistic expectations and reflects the organization's structure, resources, technology, culture, needs and circumstances⁶⁰
- ❖ Invest in a well developed communication strategy
- ❖ Update data on a periodic basis, and do follow-up
- ❖ Strive for high return/response rates to get the most accurate picture.





Appendix F

DiverseCity Counts

DiverseCity Counts, a three-year research project, is tracking the diversity in leadership across the corporate, public, notfor-profit and education sectors in the Greater Toronto Area (GTA). The resulting report, *DiverseCity Counts: A Snapshot of Diversity in the Greater Toronto Area*, is the first research effort offering a benchmark of the representation of the GTA's visible minorities in senior leadership roles across sectors.

Ryerson University's Diversity Institute prepared the report, under the guidance of Dr. Wendy Cukier and Dr. Margaret Yap. Both researchers have strong expertise in visible minorities in the workforce and corporate sector diversity issues. The Diversity Institute's research specialty is diversity in the workplace and developing and evaluating policies and programs to improve practices in organizations.

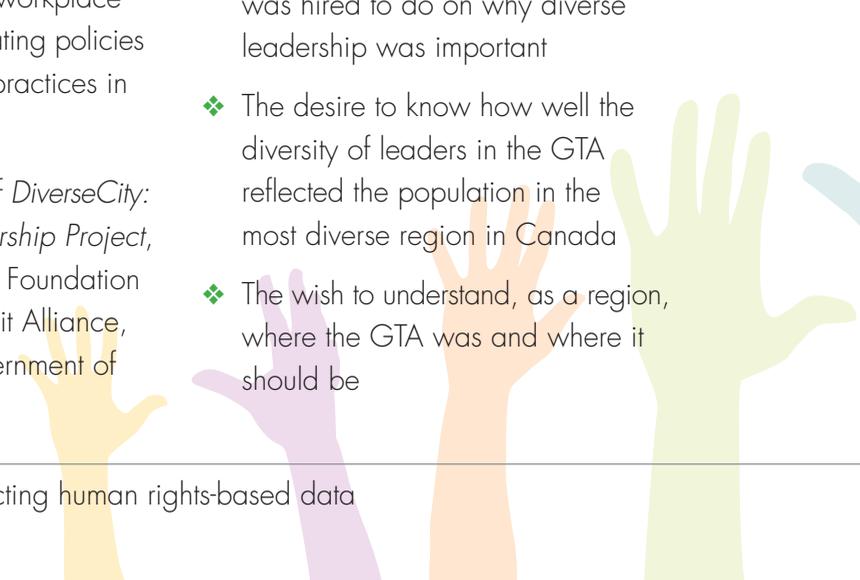
DiverseCity Counts is part of *DiverseCity: The Greater Toronto Leadership Project*, an initiative of the Maytree Foundation and the Toronto City Summit Alliance, with funding from the Government of

Ontario and the Ministry of Citizenship and Immigration in particular. The project includes eight initiatives led by a steering committee of prominent leaders, who recognize the value and potential of diversity in leadership for social and economic prosperity. The ultimate goal is to "diversify the leadership landscape" across the GTA.

Why consider collecting data?

Factors leading the Maytree Foundation and the Toronto City Summit Alliance to consider collecting data included:

- ❖ Scans of existing research suggested that some groups were underrepresented in leadership roles, and this was confirmed through national research
- ❖ Data would complement the report The Conference Board of Canada was hired to do on why diverse leadership was important
- ❖ The desire to know how well the diversity of leaders in the GTA reflected the population in the most diverse region in Canada
- ❖ The wish to understand, as a region, where the GTA was and where it should be



- ❖ The need to create a starting point for tracking progress in key sectors across the GTA.

What were Maytree's and the TCSA's goals of collecting data?

This project focused on:

- ❖ Fostering prosperity and inclusion in the GTA
- ❖ Making a "business case" for diversity, and showing how inclusive leadership advances organizational goals, such as a voice in government, private sector profit, return for shareholders or improved services to citizens
- ❖ Reinforcing the value of representative leadership in terms of attracting and retaining a skilled workforce, improving customer service, enhancing creativity and innovation, developing role models and shaping the hopes and aspirations of young people.

Research goals were to:

- ❖ Create a more comprehensive understanding of how well leaders across sectors in the GTA reflect the diverse population
- ❖ Take a sector by sector approach, to establish comparisons within sectors and across sectors

- ❖ Be a catalyst for discussion on how to overcome gaps in diversity in leadership and to promote good practices (for example, the City of Toronto's review of its appointment process enhanced opportunities for engaging people and organizations, and led to goal-setting to advance diversity).

Facing the challenges

Ryerson faced many challenges when planning to collect the data, including:

- ❖ Balancing the many options for collecting data, such as employee surveys, asking organizations to share information from existing surveys, and relying on public information
- ❖ Getting high enough response rates with surveys, especially when looking at senior leaders and sectors with varying self-identification rates
- ❖ The broad scope of a project that included many sectors and many visible minority groups.

These challenges led to the following planning decisions:

- ❖ The focus would be on visible minorities to have a manageable research project, while understanding that other groups also face disadvantages

- ❖ Existing surveys would be used wherever possible (for example, surveys of the principals in the Toronto Board of Education and City of Toronto agencies, boards and commissions)
- ❖ For other sectors, publicly available sources were used to identify leaders (politicians, senior executives and boards of directors) and to categorize them according to gender and visible minority status
- ❖ A number of prominent persons who had publicly self-identified as belonging to groups classified by Statistics Canada as visible minorities were included as leadership exemplars
- ❖ Chose samples to consider for each sector:
 - for example, the sample included the largest corporations headquartered in GTA, on the basis of revenue as reported in 2008
 - where publicly available information was available for more than 50% of board members, the organization and data were included
 - the focus was on the largest organizations in the GTA, as they account for the majority of employees, and the highest profile leaders as they are often the most

influential. These organizations are more likely to be publicly traded or federally regulated and to publish relevant data

- ❖ Used “visible minority” rather than “racialized” to be consistent with the terms being used by Statistics Canada
- ❖ Even though studies of racism in Canada show the experiences of different groups of racialized persons are different, Ryerson’s previous research suggested that the overall perceptions of workplace fairness and satisfaction are different enough to be significant between people who identify as visual minority and White.

Preparing for the data collection initiative

Steps to prepare for collecting data included:

- ❖ Selecting recognized experts who would address accuracy issues give the research and findings credibility
- ❖ Consulting with experts who have done research in the specific sectors – politicians, government officials, non-profit sectors and education
- ❖ Setting up a steering committee to provide advice



- ❖ Scanning what had already been done to avoid duplicating existing research
- ❖ Submitting a research proposal for supplementary interviews to the Ryerson Ethics Board.

Administering the data collection initiative

Preparations for the project began more than a year before the results were published in May 2009. The researchers began by scanning existing research, and then the Diversity Institute did its own planning to finalize the project parameters. These steps took three to four months to complete.

The project's research and writing stages were done from October 2008 to March 2009.

The data in the *DiverseCity Counts* report reflects a moment in time, up to March 2009. Some organizations originally being considered were not included because key information was not publicly available until after March 2009. Researchers analyzed 3,257 leaders in the GTA including elected officials, public sector executives, members of agencies, boards and commissions, and the largest voluntary and business organizations as determined by revenue.

Key results

The research offered a wealth of both quantitative and qualitative information about the diversity of leadership in key sectors across the GTA. Highlights include:

- ❖ As of March 2009, visible minorities are under-represented in the senior-most leadership positions in the GTA – just 13% of leaders were visible minorities
- ❖ The education sector was the most diverse, and the corporate sector was the least diverse
- ❖ In all sectors except the corporate sector, boards are more diverse than executives
- ❖ The report raised the profile of the importance of diversity in leadership, leading to more organizations and people wanting to take part in DiverseCity programs
 - for example, people and groups were interested in sharing their demographic information with the Counts project, and in working with the Onboard initiative, which matches people from underrepresented groups with boards. Many of the leaders profiled were extremely pleased with the results
 - newspaper coverage of the study was very positive and stressed the need to make more progress.

Acting on the results

The results will be used to enhance other DiverseCity programs, and other organizations will use the report to explain gaps and benefits to diverse leadership. As well, the results are helping the Diversity Institute to refine its training programs for individuals and organizations, and the Institute is working on projects aimed at looking specifically at representation in the media.

The Counts report also included a strong call to action:

To ensure that the potential of the region can be fully maximized, individuals, governments, organizations and the community should:

- Count: What gets measured gets done
- Lead: Make diversity a strategic priority
- Develop the pipeline: Inspire children, workers and future leaders to maximize their potential
- Communicate: Mainstream diversity in all aspects of the organization's activities
- Develop and sustain excellent human resources practices.

– Executive Summary,
DiverseCity Counts

The snapshot will be repeated in 2010 and 2011, to compare sectors over time to monitor change. The data collection methods are being enhanced to include data from organizations as well as individuals, and more comprehensive interviews will be done with individuals. The research will also be expanded to include more sectors.

Best practices

- ❖ It is important to have a strong communication strategy that emphasizes benefits to all
- ❖ The Conference Board Report (why diverse leadership matters) was a significant step leading up to the project – it started the discussion about what diverse leadership looks like and why it matters; this report stated the value of diverse leadership, and the Counts report then showed the need and the missed opportunity
- ❖ Linking the data collected to other related issues – the Diversity Institute also prepared a paper on the academic research linking diverse leadership to organizational performance
- ❖ Going to experts – the project was too big to do in-house, and the strong, rigorous data collection methods gave the work more credibility

- ❖ While not shying away from the real problems of overt and systemic racism and discrimination, framing the work in terms of the business case for diverse leadership helped to build support.
- ❖ Other research by the Diversity Institute shows that organizations that do diversity training have higher levels of career satisfaction among White/Caucasian as well as visible minority employees – even when the diversity training is not perceived to have been effective. This suggests that the intervention itself sends a signal, just as laws, regardless of their enforcement, signal values

Lessons learned

- ❖ It is important to explain benefits of collecting data/doing this research for everyone, not just members of representative groups
- ❖ Measurement is difficult but what gets measured gets done. The very process of benchmarking and tracking can mobilize change
- ❖ High performing organizations tend to make diversity a strategic priority and make a point of tracking and reporting on their results
- ❖ There is power in numbers – before we could assume and only explain anecdotally what was going on; now we know and now we can track our progress
- ❖ It is always important to consider unintended consequences – doing work in this area is fraught with potential pitfalls but that is not a reason for not trying
- ❖ We were pleasantly surprised by the level of enthusiasm for the study and the broad support among the sectors considered.





Appendix G

OHRC guides, policies and guidelines

The OHRC website (www.ohrc.on.ca) is the most current and exhaustive source of information about the work of the OHRC. All OHRC publications are available on the website. This includes approved guides, policies and guidelines, consultation documents and plain language publications. Information can also be found on current OHRC activities. Bound copies of OHRC documents are available through Publications Ontario at 1-800-668-9938.

Guides, policies and guidelines

OHRC guides, policies and guidelines are approved statements setting out how the Code will be interpreted by the OHRC and applied in dealing with human rights applications. The general public, human rights lawyers, community advocates and courts, including the Supreme Court of Canada, often refer to them to clarify rights and responsibilities.

Also, the OHRC's website contains many plain language documents relating to these policies.

Guides:

Female Genital Mutilation (FGM): Questions & Answers (September 1, 1999)

Guide To Releases With Respect to Human Rights Complaints (May 30, 2006)

Guide to Your Rights and Responsibilities Under the Human Rights Code (April 14, 2009)

Guidelines for Collecting Data on Enumerated Grounds Under the Code (September 24, 2003)

Guidelines on Accessible Education (September 29, 2004)

HIRING? A Human Rights Guide (September 13, 1999)

Knowing your Rights: Female Genital Mutilation and the Ontario Human Rights Code (August 30, 1999)

Pregnancy – Before, During and After: Know Your Rights (November 6, 2008)

Police Record Checks For Vulnerable Sector Screening (April 30, 2009)

Sexual Harassment and Other Comments or Actions about a Person's Sex (November 27, 1996)

Policies and guidelines:

Guidelines on Developing Human Rights Policies and Procedures (March 14, 2008)

Guidelines on Special Programs (November 19, 1997)

Human Rights at Work 2008 – Third Edition (October 9, 2008)

Policy and Guidelines on Disability and the Duty to Accommodate (November 23, 2000)

Policy and Guidelines on Discrimination Because of Family Status (April 30, 2007)

Policy and Guidelines on Racism and Racial Discrimination (June 9, 2005)

Policy on Creed and the Accommodation of Religious Observances (October 20, 1996)

Policy on Discrimination Against Older Persons Because of Age (March 26, 2002)

Policy on Discrimination and Harassment Because of Gender Identity (March 30, 2000)

Policy on Discrimination and Harassment Because of Sexual Orientation (March 30, 2000)

Policy on Discrimination and Language (June 19, 2002)

Policy on Discrimination Because of Pregnancy and Breastfeeding (April 1, 2009)

Policy on Drug and Alcohol Testing (September 27, 2000)

Policy on Employment-Related Medical Information (June 19, 1996)

Policy on Female Genital Mutilation (FGM) (November 22, 2000)

Policy on Height and Weight Requirements (June 19, 1996)

Policy on HIV/AIDS Related Discrimination (November 27, 1997)

Policy on Human Rights and Rental Housing (July 21, 2009)

Policy on Mental Health Discrimination and Police Record Checks – Draft (February 8, 2008)

Policy on Requiring a Driver's Licence as a Condition of Employment (June 19, 1996)

Policy on Scholarships and Awards (July 8, 1997)

Policy on Sexual Harassment and Inappropriate Gender-Related Comments and Conduct (September 10, 1996)





Endnotes

- 1 *Human Rights Code*, S.O. 2006, c. 35.
- 2 *Canadian Human Rights Act*, R.S.C. 1985, c. H6. See section 16.
- 3 *Employment Equity Act*, S.C. 1995, c. 44.
- 4 *Canadian Charter of Rights and Freedoms*, s. 15(2), Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11.
- 5 Ontario Ministry of Aboriginal Affairs, *Glossary*, online: www.aboriginalaffairs.gov.on.ca.
- 6 Indian and Northern Affairs Canada, *Aboriginal Place Names*, online: www.ainc-inac.gc.ca.
- 7 Statistics Canada, *How Statistics Canada Identifies Aboriginal Peoples*, online: www.statcan.gc.ca.
- 8 Ontario Human Rights Commission, *Policy and guidelines on disability and the duty to accommodate* (2000), online: www.ohrc.on.ca.
- 9 *The Conference Board of Canada Report, The Value of Diverse Leadership* Prepared for: DiverseCity: The Greater Toronto Leadership Project (2008), online: www.maytree.com.
- 10 Tina Lopez and Barb Thomas, "Dancing on Live Embers" (Between the Lines Press, Toronto, 2006) at 267.
- 11 Francis Henry et al, *The Colour of Democracy: Racism in Canadian Society*, 2nd ed. (Canada: Nelson, 1998) at 407.
- 12 Statistics Canada, *Visible minority*, online: www.statcan.gc.ca.
- 13 Dr. Scot Wortley, *The Collection of Race-Based Statistics Within the Criminal Justice and Educational Systems: A Report for the Ontario Human Rights Commission* (Centre of Criminology, University of Toronto) [unpublished], online: www.ohrc.on.ca [Wortley].
- 14 Ontario Human Rights Commission, *Policy and guidelines on racism and racial discrimination* (2005), online: www.ohrc.on.ca.
- 15 What the "bottom line" is may differ depending on the nature and mandate of the organization. For private-sector organizations, the bottom line may be profit and profitability; in the public-sector, it may be the efficient delivery of services for all members of society; in the non-profit sector, the bottom line may be achieving an organization's mission and vision. See Dr. Jeffrey Gandz, "Business Case for Diversity," online: www.hrsdc.gc.ca.
- 16 Ontario Human Rights Commission, *Policy and Guidelines on Racism and Racial Discrimination*, (2005), online: www.ohrc.on.ca.
- 17 METRAC, "Final report of the METRAC Consultants: Section 1 draft for feedback purposes only" (2009) [unpublished] at 46.
- 18 "Sexual orientation" is not specifically defined in the Code. However, the OHRC recognizes that sexual orientation is a personal characteristic that forms part of an individual's core identity. It covers the range of human sexuality from gay and lesbian, to bisexual and heterosexual orientations. Sexual orientation is different from gender identity, which is protected under the ground of "sex." The OHRC recognizes that terminology is fluid, and what is considered appropriate tends to evolve over time. As well, people within a group may prefer different terms to describe themselves. However, it is useful to identify terms that are considered most appropriate to avoid compounding a person's experience of prejudice, harassment or discrimination. It is generally best to use terms by which individuals self-identify, such as "bisexual,"

"gay," "lesbian" and "two-spirit." In contemporary times, "gay" usually refers to men, although it is also used as a general term instead of "homosexual." Some women may identify as "gay," but may prefer the term "lesbian," which refers specifically to women. Aboriginal lesbian, bisexual or gay people may describe themselves as "two-spirit" or "two-spirited." Individuals may use other terms to describe their sexual orientation; however "gay," "lesbian" and "bisexual" are usually accepted as neutral, general terms. The term "homosexual" was popularized through medical usage, and has often been used to denigrate and stereotype lesbian and gay people, as well as a range of behaviours and practices ascribed to them. It is sometimes used as a general term, such as in legal documents and medical texts, and some individuals may identify as "homosexual." However, many lesbian and gay people feel the term is clinical or offensive, and bisexual people may also see it as exclusionary. It is therefore often better to avoid using the term "homosexual," particularly to refer to an individual, and to use instead the terms by which people self-identify. See Ontario Human Rights Commission, *Policy on Discrimination and Harassment Because of Sexual Orientation* (2006), online: www.ohrc.on.ca. The OHRC defines "transgender" as people whose life experience includes existing in more than one gender. This may include people who identify as transsexual and people who describe themselves as being on a gender spectrum or as living outside the gender categories of "man" or "woman." See Ontario Human Rights Commission, *Gender Identity: Your Rights and Responsibilities* (2009), online: www.ohrc.on.ca.

19 For the purposes of relevance and convenience, the OHRC's *Guidelines for Collecting Data on Enumerated Grounds* has been revised and included as Section 5 of the document.

20 *Employment Equity Regulations*, S.O.R. 196-470, s. 4.

21 The *Employment Equity Act* (the *Act*) applies to federally regulated employers, like banks, transportation and communication companies with 100 or more employees, as well as to Crown corporations and the federal public service. Employers covered by the *Act* are known as Legislated Employment Equity Plan (LEEP) employers.

22 Statistics Canada online: www.statcan.gc.ca.

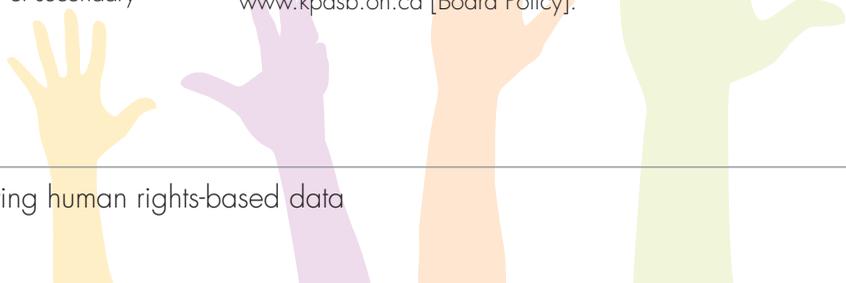
23 The City of Toronto offers many publications and reports on its website relating to an array of topics by sector or topic, including the labour force. See City of Toronto, *Publications and reports*, online: www.toronto.ca/business_publications/publications.htm.

24 The term "comparator group" is used to determine whether human rights "discrimination" in fact exists in a scenario. A comparison is made between a group claiming discrimination and another group that shares the relevant characteristics, to determine if disadvantage, denial, devaluation, oppression or marginalization has been experienced. A comparator group must share relevant characteristics with the group of interest in the area being questioned for a comparison to be meaningful. Who the appropriate comparator group is will depend on the context and is often contested between litigants. Often the comparator group is a more privileged group in society, usually the dominant group.

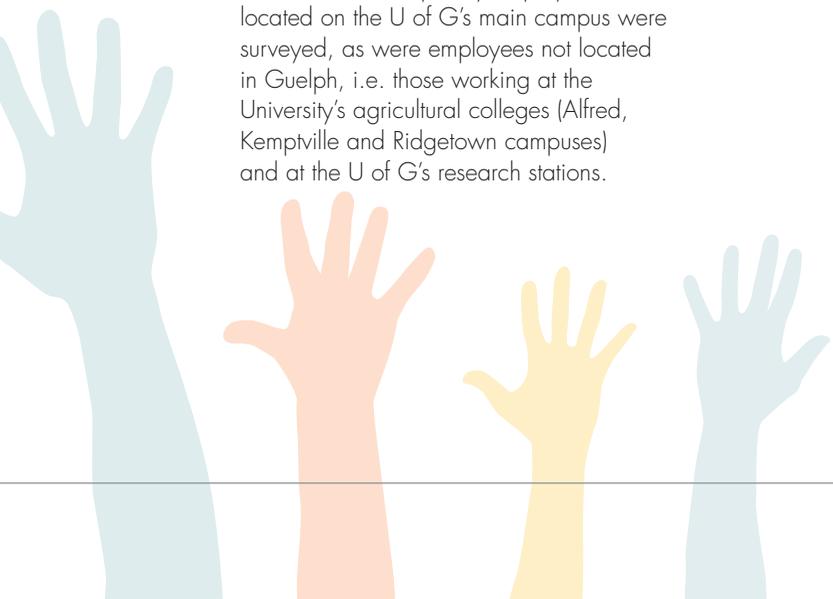
25 Wortley, *supra* note 13.

26 Data collection based on certain grounds, such as ethnic origin, sex and disability, has been done for many years under federal employment equity legislation, the national census that takes place every five years or in accordance with international requirements. In comparison, data collection on other grounds, such as sexual orientation, has not been done much in the past. Notably, the national Census does not include a question about sexual orientation, although sexual orientation has been included on other non-mandatory surveys and has been the subject of testing. Statistics Canada, Ministry of Industry

- "2006 Census Content Consultation Report, Catalogue No. 92-130-XE (2003, Revised in February 2004).
- 27 For more information about Statistics Canada's "Customized services" see www.statcan.gc.ca.
- 28 Wortley, *supra* note 13.
- 29 See Ontario Human Rights Commission's *Policy and Guidelines on Racism and Racial Discrimination* (2005), online: www.ohrc.on.ca at 9-10.
- 30 Social Science is defined as the scientific study of human society and social relationships. *The Concise Oxford Dictionary Ninth Edition*, s.v. "social science."
- 31 J.-C. Icart, M. Labelle, R. Antonius, *Indicators for Evaluating Municipal Policies Aimed at Fighting Racism and Discrimination, Report presented to UNESCO, Fight against Discrimination and Racism Section, Division of Human Rights and Fight against Discrimination Sector for Social and Human Sciences* (Montréal, Québec: International Observatory of Racism and Discrimination: Centre for Research on Immigration, Ethnicity and Citizenship (CRIEC), Université du Québec à Montréal, 2005) at 47, online: [www.criec.uqam.ca/pdf/CRIEC%20Cahier%2028%20\(en\).pdf](http://www.criec.uqam.ca/pdf/CRIEC%20Cahier%2028%20(en).pdf).
- 32 The Ontario Ministry of Education (MOE) defines "Aboriginal" as including First Nation, Métis and Inuit peoples. According to MOE, "in keeping with the definition of Aboriginal peoples under the Constitution, all self-identification policies developed by school boards need to recognize and address the following four cohorts of Aboriginal students attending provincially funded schools in Ontario: one, First Nation students who live in First Nation communities but attend provincially funded elementary or secondary schools under tuition agreements; two, First Nation students who live in the jurisdictions of school boards and attend provincially funded elementary or secondary schools; three, Métis students who attend provincially funded elementary or secondary schools; and four, Inuit students who attend provincially funded elementary or secondary schools." Aboriginal students who live in First Nation communities and attend federally funded elementary and secondary schools in First Nation communities would not be represented in the self-identification policies developed by provincial school boards. Ontario Ministry of Education, *Building Bridges to Success for First Nation, Métis and Inuit Students* (2007) at 9 online: www.edu.gov.on.ca at 9 [MOE Report]. According to the 2001 Census, more than 75% of the Aboriginal population in Ontario lives within the jurisdictions of provincially funded school boards. *Ibid.* at 7.
- 33 *Ibid.* at 6-7.
- 34 Ontario Ministry of Education, *Unlocking Potential for Learning: Effective District-Wide Strategies to Raise Student Achievement In Literacy and Numeracy – Case Study Report Keewatin-Patricia District School Board* (2006) at 13 online: www.edu.gov.on.ca.
- 35 In a March 23, 2009 telephone interview with OHRC staff, Larry Hope, KPDSB's Director of Education, states that, "in terms of square kilometres, [KPDSB's operating area] is geographically equivalent to the size of France" [KPDSB Telephone Interview].
- 36 In 2008, the KPDSB had a full-time equivalent of 5,446 students enrolled. This number may have fluctuated since that time. See Keewatin-Patricia District School Board, *2008 Director's Annual Report* (2008) online: www.kpdsb.on.ca [Annual Report].
- 37 The KPDSB adopts the definition of Aboriginal endorsed by MOE.
- 38 Annual Report, *supra* note 36.
- 39 Keewatin-Patricia District School Board, *Board Policy 31.5* (2004) online: www.kpdsb.on.ca [Board Policy].



- 40 Please note that the term "Aboriginal" will be used to refer to First Nation, Métis and Inuit students throughout the remainder of the document, unless specifically stated otherwise.
- 41 Board Policy, *supra* note 39 at 1.
- 42 MOE Report, *supra* note 32 at 6 and *Ibid.* at 2.
- 43 "Where numbers are small enough so that individual information may be revealed, no such information will be communicated. The number is set at 15 or less students." See Board Policy *supra* note 39 at 3.
- 44 The copy of the Student Registration Form found on the OHRC's website is a revised form from 2007.
- 45 MOE Report, *supra* note 32 at 19.
- 46 Northern Ontario Education Leaders (NOEL), "Oral Language SIP/LNS Oral Language Project" online: NOEL www.noelonline.ca/index.php?pid=39. See also Annual Report, *supra* note 36.
- 47 Annual Report, *supra* note 36.
- 48 KPDSB Telephone Interview, *supra* note 35.
- 49 *Ibid.*
- 50 University of Guelph, "Employment Equity Survey March 6 to 10" (1 March 2000), online: News@Guelph www.uoguelph.ca/atguelph/00-03-01/articles/equity.html.
- 51 Human Resources and Skills Development Canada, *Federal Contractors Program*, online: www.hrsdc.gc.ca.
- 52 All full-time and temporary employees located on the U of G's main campus were surveyed, as were employees not located in Guelph, i.e. those working at the University's agricultural colleges (Alfred, Kemptville and Ridgetown campuses) and at the U of G's research stations.
- 53 See U of G's Survey Package on the OHRC's website for a list of representatives who sat on the 2007 EE Committee.
- 54 The return rate is defined as the percentage of surveys returned either blank or completed.
- 55 The response rate is defined as the percentage of those who completed the survey.
- 56 University of Guelph, *Employment Equity Systems Review Summary Report*, (2002), online: www.uoguelph.ca/hre/eep/docs/esrevieweng.pdf [Systems Review Report]. For more details about the 2000 Workforce Census results see University of Guelph, *Report of Employment Equity Workforce Analysis* (2000), online: www.uoguelph.ca/hre/eep/docs/eewfa_eng.pdf.
- 57 Systems Review Report, *supra* note 56.
- 58 For example, the University's climate was "generally positive," the senior administration was strongly committed to employment equity, and equity considerations had been incorporated into faculty hiring policies and procedures to make the process more streamlined and transparent. *Ibid.* at 2.
- 59 *Ibid.* at 8.
- 60 For U of G to get the support and high participation rate it required, the EE Committee was aware that its organizational culture required a process that was highly consultative and transparent to succeed.



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