

Employment Equity for Teachers of Aboriginal Ancestry

Process for Applying to the BC Human Rights Tribunal for Approval¹

I. Application Process

To apply for a special program approval, the local and district must write a joint letter to the BC Human Rights Tribunal (the “BCHRT”) for approval for your employment equity program. The letter addressed to the Chair of the BCHRT sets out your plan and addresses all of the factors set out below.

- A. **Nature of the Sponsoring Organizations:** The application should be submitted jointly by the local and the district. Describe the nature of your local/district (e.g., public school system, rural area, demographics, etc.). A copy of the letter of understanding signed by BCTF and the BCPSEA on May 20th, 2006 should be attached to your proposal.
- B. **Accountability and Monitoring:** Describe who in the local and in the district will be responsible for implementation of the program, their job titles and experience/training in the area of Aboriginal education and why they are suited to implementing the program. Describe the process for on-going monitoring of the program. Indicate how you will report on the program and indicate the evaluation mechanism or process to be used.
- C. **Identification of Disadvantaged Individuals/Groups:** Define as clearly as possible the designated group which the program is designed to assist: Aboriginal teachers. Describe the specific nature of the disadvantage the program is designed to ameliorate (e.g., poor graduation rates, under-representation of teachers of Aboriginal ancestry, and lack of cultural sensitivity in curriculum and school culture).
- D. **Benefit of the program:** Describe in detail how the program will objectively improve the conditions of disadvantage experienced by Aboriginal teachers through recruitment and retention efforts.
- E. **Goals, timetables and anticipated results:** Describe the goal of the special program and any applicable timetables or anticipated results. Programs are approved for a minimum of 6 months and up to 5 years.
- F. **Eligibility Criteria:** Describe the criteria that will be used to assess whether an individual is eligible for participation in the program. There should be clear and objective criteria for admission to the program. Describe any dispute mechanism process to deal with eligibility disputes.

¹ This document is based largely on the *BC HUMAN RIGHTS TRIBUNAL SPECIAL PROGRAMS POLICY* as well as an employment equity toolkit currently being developed by the Education Partners of British Columbia.

G. Identification of Third Party Interests: The Tribunal requires a written statement of the unions' and other employees' position. Here it is important to clarify that the local is making a joint application with the district. This section regarding third parties is applicable to the support staff unions and the Principal and Vice-Principal's Association. The BCHRT will need the name of these associations, contact names, their address and phone numbers. The approval application to the Tribunal should be copied to these associations.

You will also need to explain how you have consulted those not represented by a union or employee association (e.g., parents). Provide a list of other local or regional organizations or associations that may be affected by the proposal, including contact names, addresses and phone numbers and their positions on the proposed program.

II. Four Key Steps

The four key steps necessary to gain BCHRT approval for your employment equity program are: adequate preparation; objective assessment; appropriate program design; and effective implementation.

A. Adequate Preparation

In order to meet the BCHRT requirements for adequate preparation the district, in consultation with the local, should undertake the following:

- Develop a Formal Policy
- Assign Responsibility
- Consult with Employee Representatives
- Identify and Include Designated Groups
- Consult with Designated Groups
- Develop a Communications and Education Strategy

Organizations representing Aboriginal educators and communities should be consulted on the design and implementation of the employment equity program. These organizations are familiar with the concerns of their members, understand the barriers they face, and can assist in identifying measures that will assist them. Existing structures for consultation such as those used in developing Local Education Agreements or Enhancement Agreements should be included in the process. Representatives of designated groups could participate in a committee with union and management representatives, and they might be consulted at different stages of the program's development.

B. Objective Assessment

Key elements of the plan are a workforce analysis and an employment systems review. A workforce analysis compares internal workforce data on current employees with external data about the availability of Aboriginal people in the general labour force. It helps

employers identify under-representation in the district, and it permits the setting of goals to overcome this.

Due to the sensitivity involved, such information should be gathered through a workforce survey, which requests voluntarily self-identification of Aboriginal ancestry. New teachers can be asked to self-identify on a voluntary basis on commencement of employment. Only those who identify themselves as Aboriginal are to be counted as members of the designated group.

The purpose of the data is to identify workforce patterns, not to collect personal information about individuals. Any information collected should be treated as confidential, kept separate from regular personnel files, and not used for any other purpose. However, the data should be retained in such a way so that you can measure the success or non-success of the program.

An employment systems review is the tool used to identify the qualitative elements of an employment equity program. It identifies practices that, intentionally or not, have contributed to the under-representation of Aboriginal teachers.

Where the workforce analysis indicates under-representation of Aboriginal teachers, a review of employment systems is undertaken to determine whether those systems have barriers to equal participation. Examples of such barriers could include discriminatory job descriptions or culturally insensitive interviewing practices. They could also include the failure to implement and practice workplace non-harassment and diversity policies and protocols.

C. Appropriate Program Design

In order to meet the BCHRT requirements for appropriate program design, short and long term quantitative and qualitative goals and objectives must be identified.

Quantitative Objectives

Where the workforce analysis has identified under-representation of Aboriginal teachers, short and long-term goals and timetables should be established for increasing representation in each job category and at each level. These goals and timetables should be based on an assessment of the number of openings likely to be available, taking into account turnover and retirement rates and expansion or contraction of the workforce, as well as the availability of qualified members of Aboriginal ancestry in the population from which the district can draw.

Qualitative Objectives

In addition to establishing numerical goals, other measures will likely be required to ensure that the workplace is a welcoming one for all employees. These measures typically take three forms: corrective, remedial and supportive

measures. It is becoming common to refer to these measures as "positive policies and practices." The purpose is to implement initiatives that help to create a respectful, responsive working environment and to attract increased numbers of Aboriginal teachers into the workforce. They should relate to hiring, training, promotion and, where applicable, retention of Aboriginal teachers.

The program may address both corrective and remedial measures. Corrective measures address practices that violate the *Human Rights Code*, e.g. general anti-discrimination measures such as anti-harassment policies, workplace education, and removing physical and other barriers to accessibility.

Remedial measures are designed specifically to help Aboriginal teachers overcome identified barriers that are entrenched, for the most part, due to past discriminatory practices. These may be time-limited and phased out once they have achieved their purpose. Examples may include outreach recruitment, preferential or restricted hiring policies, mentorship programs, retention strategies, targeted training programs, and reasonable accommodation policies.

Remedial measures may also include exercising preference in favour of Aboriginal educators in hiring and training or restricting competition for some jobs to Aboriginal educators. These are legitimate means of achieving equity; however, limitations of this type must be agreed to by employment equity representatives and well supported by documentation outlining the specific problem being addressed.

D. Effective Implementation

Based on the data provided by the monitoring systems established for the program, it is important to evaluate the effectiveness of the program. Program reviews or evaluations should be conducted with sufficient frequency to assist in identifying any need for changes to the program or its objectives. It is important that the program's objectives be related to the current situation in the workplace, which can be expected to change over time. In addition, the evaluation reports will facilitate accountability within the district and communications with all affected groups.

III. Conclusion

The purpose of employment equity is to ensure that individuals of Aboriginal ancestry can experience equal access to jobs and a positive working environment in which they can participate and contribute fully. An employment equity program should remove barriers to employment and advancement and, over time, achieve a representative workforce. The removal of such barriers and the special measures that may be designed to ensure equal access to employment will allow for all personnel to benefit from treatment on the basis of merit and the provision of a supportive and fair work environment.