

Human Resource Policies and Guidelines

Section: 2 Staffing

Subsection: 2.2.3 **BARRIER FREE JOB OPPORTUNITY ADVERTISING**

Type: Guideline

Effective Date: September 22, 2009

GUIDELINE STATEMENT

Job opportunity advertisements are written in plain language, are inclusive and free of employment barriers.

INTENT

- Candidates from [designated groups](#) have fair and equal access to employment in the civil service and achieve a civil service workforce reflective of the citizens it serves. Accordingly, job advertisements that are written in language that is open, inclusive and free of [systemic barriers](#) serves to attract, rather than discourage, applications from these groups. Furthermore it is illegal to include anything in job advertisements that would disadvantage qualified candidates on the basis of characteristics protected by the [Manitoba Human Rights Code](#). For these reasons, essential selection criteria are the reasonable and [bona fide occupational requirements](#). Selection criteria are stated as qualifications in job advertisements.
- All candidates have fair and equal access to job opportunities by ensuring that all job advertisements are inclusive and free of employment barriers.

GUIDELINE APPLICATION

The types of barriers which must be eliminated from job opportunity advertisements include:

- Credential
- Experiential
- Knowledge
- Abilities/Skills
- Level
- Personal Suitability
- Circumstantial
- Working Conditions
- Communication
- Informational

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PRACTICES

There are a number of benefits to barrier free advertising including:

- Respecting human rights and upholding the principles of equity and justice.
- Increasing the success rate of designated groups in appointments, promotions and retention.
- Supporting a healthy work environment that values and respects diversity.

The following questions help to identify potential barriers in qualifications:

- Do the qualifications discriminate against any group with characteristics protected by the [Manitoba Human Rights Code](#)? If so, the qualification is illegal unless it is a reasonable and [bona fide occupational requirement](#).
- What particular duty in the position requires that qualification? Could someone without that qualification perform that duty?
- Are the qualifications reasonably necessary for performing the job efficiently, effectively, safely and economically? Have all reasonable options to the barrier been examined? Is accommodation possible? See also [Reasonable Accommodation Policy](#).
- Would anything in the job advertisement discourage qualified persons from the four [designated groups](#) from applying? If so, are there other reasonable options? See also [Removing Employment Barriers Policy 1.5.2](#)

Understanding the various barriers in job advertising is required in ensuring that advertisements are written in plain language, are inclusive and free of employment barriers.

- Credential Barriers:

A credential should be included in a job advertisement only where accreditation is required by law (i.e. registered nurse) or is the ONLY means of obtaining the skills, knowledge, and ability needed to perform the work effectively. Any other use of a credential may violate the Human Rights Code. Avoid indirect references to credentials. A credential does not guarantee better performance or greater aptitude. Focus on the qualities or knowledge needed to perform the work effectively.

Barriers may occur when you ask for credentials such as a degree, diploma, certificate or licence, unless you allow for an equivalent combination of education and experience.

Where either a degree or a combination of experience and training is acceptable for satisfactory job performance, ensure that you fully outline the type of experience and training that is equivalent to a degree.

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Otherwise, there may be a perception that a degree will be given greater weight than work experience, which may make qualified candidates without a degree reluctant to apply. It may also be an unnecessary barrier to members of designated groups who have not had the opportunity to obtain the required credential but have the demonstrated ability to do the job.

▪ **Experiential Barriers:**

Experiential barriers occur when you ask for:

- Canadian experience which usually excludes persons with experience attained in their country of origin.
- Years of experience - breadth and quality of experience, not the number of years, enhance an applicant's ability to do the job. For example, instead of asking for "three years experience as a tax auditor", ask for "experience in tax auditing involving a variety of industries, including several complex audits."
- Recent experience except where an occupation has changed significantly. (This disadvantages women who have been out of the workforce as well as immigrants who have difficulty in obtaining employment in their occupational field during their first few years in Canada).
- Progressively responsible experience. (This disadvantages those who have not had an opportunity to build up experience in the occupation by working their way up through the ranks. It perpetuates the under-representation and under-employment of designated groups in many occupations).
- Very specific experience where a transferable experience may be adequate. For example, instead of "experience with Word XP" ask for "experience with Microsoft Word" or include the phrase "or similar application".

▪ **Knowledge Barriers**

Knowledge barriers can occur in both open and closed competitions when you:

- Ask for knowledge of internal policies, procedures and operations of the branch;
- Ask for knowledge of legislation, procedures or policies that is seldom needed where this knowledge can be learned on the job, from a supervisor, or written material;
- Ask for knowledge of a law when what is needed is the ability to interpret and apply laws.

The need for "ability" is sometimes incorrectly stated as a "knowledge" requirement.

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- Abilities/Skills Barriers:

Asking for ability wherever possible enables candidates with transferable skills to compete as well as designated group members who may have the ability, but lack the experience.

Ability refers to situations where the candidate has the potential to do the job, but may or may not have had the opportunity to develop the potential in the past. The focus here is on whether the candidate can display the potential during the selection process. Demonstrated ability (or skill) means candidates must show by past achievements that they have the required ability obtained in a variety of work settings, such as volunteer projects or previous related or transferable work experience.

- Level Barriers:

Ensure that knowledge, skills and other requirements are set at the appropriate level for the job. While the appropriate level varies between positions, (for example, ability to communicate effectively as a social worker or receptionist), the qualification should reflect only the level of expertise an employee needs to enter the job. That level may vary, however, depending on such factors as the time available for training or the need for special expertise. There is flexibility to ask for more than entry-level requirements.

- Communication Barriers:

Communication barriers can occur when you ask for “ability to communicate effectively”. Specify what kind of communication is required i.e. listening, speaking on the telephone, negotiating agreements. A deaf person may communicate at work by using a telecommunications device.

- Circumstantial Barriers:

Circumstantial barriers can occur when you ask for:

- A valid driver’s licence - “Ability to travel within the designated area...” or “Must have the ability to travel and provide own transportation” expresses the requirement in a more flexible way;
- Candidate to reside in a location - instead ask for “ability to report to work within 30 minutes of call”.

- Working Conditions Barriers:

Working condition barriers are a lack of precise or actual information about working conditions.

- For part-time positions, give the number of hours of work per pay period. If the position is part-time term, you may include the expected duration of the term if determined.

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- If a job requires shift or late-night work, include information about security, as applicants will want to know whether a security system is in place to assist them.
- Personal Suitability Barriers:

A barrier may occur if you ask for a personal attribute that is not job-related. Personal suitability criteria must be flexible enough to include persons who can do the job but in a different cultural or personal style. Barriers may be eliminated by focusing on the desired ability or skill, instead of a personal trait, (for example instead of “mature, cooperative person”, ask for “ability to work effectively as a team member”.)
- Informational Barriers:

A barrier may occur where there is a lack of information about the employment opportunity.

Job opportunity advertisements are written in plain language.

Plain language means writing precisely, clearly, and simply so that potential applicants from the public and the civil service can understand what the position requires. Plain language uses familiar words and a straightforward style. It avoids wordiness, abstraction and jargon. You can use plain language without making your job advertisement seem simplistic or boring.

Some tips for plain language writing are:

- Decide who needs to know the information and what is essential – then stick to your list of essential information.
- Organize the material in a logical manner. Don't jump around.
- Use a friendly, conversational tone.
- Use clear and common language.
- Use simple sentence structure. Try to follow the regular sentence construction of subject, verb, object – but not for every sentence.
- Use bullets to avoid repetition.
- Avoid technical and legal language as well as jargon.
- Avoid acronyms, unless they have to be frequently repeated in the job advertisement and are commonly understood by the reader.
- Avoid sexist language. Language in a job advertisement that includes both men and women sends a message to the public that both sexes are valued.
- Avoid long sentences. You may lose the reader's attention if a sentence has more than 20 words. The advertisement should be concise and easy to read.

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ROLES AND RESPONSIBILITIES

Subsections:

Civil Service Commission

Provide human resource practitioners with an understanding of potential employment barriers and ensuring that job advertisements are barrier free and written in plain and clear language.

Human Resource Practitioners

Responsible for acting as a catalyst for identifying and removing barriers in the development of barrier free selection criteria and job advertisements on an ongoing basis.

RELATED POLICIES or GUIDELINES

[1.5.0 Employment Equity](#)

[3.1.3 Reasonable Accommodation](#)

[1.5.2 Removing Employment Barriers](#)

[2.1.1 Selection Criteria](#)

[Job Opportunity Advertising Guide](#)

OTHER RESOURCES

Guidelines for Pre-Employment Inquiries under the provisions of the Manitoba Human Rights Code

Diversity and Employment Equity Fact Sheet: Removing Employment Barriers

AUTHORITY

[The Civil Service Act](#), Section 13(1)

[The Manitoba Human Rights Code](#) 14(3)

Guidelines for Pre-Employment Inquiries under the provisions of the Manitoba Human Rights Code

Civil Service Commission Minute 10-09/10-8

FREQUENTLY ASKED QUESTIONS

1. What is a bona fide occupational requirement?

A bona fide occupational requirement is a requirement which must be met. It is established by the employer in good faith that it is critical to the safe and efficient performance of the position duties, and in the

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sincerely held belief that persons without this requirement would not be able to perform the functions of the position to the minimum standards required. A requirement regulated by statute is considered a bona fide occupational requirement.

2. What is a systemic barrier?

A systemic barrier or systemic discrimination is a practice, policy or systems that operate to limit a group's right to opportunities or exclude a group from participating in an activity. Systemic discrimination produces hidden barriers that appear neutral but which negatively impact on a designated group. They are generally unintentional and create employment barriers, a major cause of the underrepresentation of designated groups in the civil service or in specific occupations. Systemic barriers thus are measured not by intent but by impact.

3. What are designated groups?

Defined in [1.5.0 Employment Equity policy](#)

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