

## **TOPIC    REMOVING EMPLOYMENT BARRIERS**

**POLICY    Employers must examine employment practices and policies that are within their authority to change and remove employment barriers.**

### **QUESTIONS AND ANSWERS**

1. What is an employment barrier?
2. What are the benefits of removing employment barriers?
3. What criteria are used to identify employment barriers?
4. How does a manager examine policies and practices for employment barriers?
5. How does a department examine its policies and practices for employment barriers?
6. What is the process for an Employment Systems Review?
7. What are management's roles and responsibilities in an Employment Systems Review?

### **AUTHORITY**

The Manitoba Human Rights Code 9, 10  
Affirmative Action Policy, Cabinet Order, Government of Manitoba, 1983  
Civil Service Commission Board. Minute CSC 14-96/97-10  
Cabinet Minute #16, of February 11, 2004

**Effective date    February 11, 2004**

## QUESTIONS AND ANSWERS

### **1. *What is an employment barrier?***

An employment barrier is an employment policy or practice that disproportionately excludes certain groups based on factors unrelated to the nature of work or merit. Employment barriers constitute systemic discrimination when they result in disadvantaging an individual or group with characteristics protected by The Manitoba Human Rights Code. An employment barrier includes any act or omission that results in discrimination even when there is no **intent** to discriminate. Employment barriers can occur in all human resource functions.

### **2. *What are the benefits of removing employment barriers?***

Removing employment barriers serves to improve the departments' human resource systems. Removing employment barriers has the following benefits for an organization:

- respects human rights and upholds the principles of diversity, equity and justice
- increases the success rate of designated groups in appointments, promotions and retention
- supports a healthy working environment that values and respects diversity.

### **3. *What criteria are used to identify employment barriers?***

The following criteria are used to identify employment barriers:

- **Legality** Does the policy or practice conform to human rights legislation?
- **Consistency** Is the policy or practice applied equitably?
- **Adverse Impact** Does the policy or practice affect designated groups disproportionately?
- **Validity** Is the practice objective? Does it predict work performance? Does it measure what it is supposed to measure?
- **Job Relatedness** Is the policy or practice based on bona fide occupational requirements?
- **Business Necessity** Is the policy or practice necessary for the safe, efficient and reliable operation of the business?

### **4. *How does a manager examine policies and practices for employment barriers?***

Managers should review the employment practices that are within their authority to change

by applying the criteria for identifying employment barriers. A manager's review of employment practices is situational and informal. Managers should also review the organization's values to determine if the work environment is hospitable to diversity and equity.

### **5. How does a department examine its policies and practices for employment barriers?**

A department reviews its policies and practices for employment barriers by conducting an Employment Systems Review (ESR). An Employment Systems Review is a formal systematic review of the department's employment policies and practices. The effectiveness of an Employment Systems Review is further enhanced by linking it to the department's strategic goals and its commitment to continuous improvement. While the department determines the scope and priorities of its review, it is recommended that a department select **one** of the human resource functions for review each year.

### **6. What is the process for an Employment System Review?**

An Employment Systems Review process is open, inclusive and consultative. The process for an Employment Systems Review normally consists of the following steps:

1. Deputy Minister                      appoints a committee comprised of departmental managers and employees including representatives of the designated groups
2. ESR Committee                      conducts a workforce analysis to identify areas for review
3. Deputy Minister                      approves area(s) for review and communicates the purpose of the Employment Systems Review to employees and managers
4. ESR Committee                      applies the criteria for identifying barriers outlined in Question 3 in a consistent manner to the area(s) for review
5. ESR Committee                      reports findings including recommendations and an action plan to the Deputy Minister and Civil Service Commission
6. Civil Service Commission                      comments on the report to the Deputy Minister
7. Deputy Minister                      reviews report and recommendations, assigns responsibility for implementing the action plan
8. ESR Committee                      communicates the results of the Employment Systems Review to all employees.

In-depth information about conducting an Employment Systems Review is available from the Civil Service Commission.

## **7. What is management's role in an Employment Systems Review?**

The roles of management are as follows:

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|--------------------------|--|
| Deputy Minister          | - appoint a committee to coordinate the Employment Systems Review                      |
|                          | - communicate the purpose of the review to employees                                   |
|                          | - ensure that identified barriers are removed  |
| Managers                 | - support the spirit and intent of this policy   |
|                          | - make resources available   |
|                          | - remove barriers identified within their scope of authority.                          |
| Human Resources          | - act as a catalyst for identifying and removing barriers on an ongoing basis          |
| Civil Service Commission | - remove barriers in the systems and policies it approves                              |
|                          | - consult on the Employment Systems Review process                                     |
|                          | - comment to the Deputy Minister on the department's Employment Systems Review Report. |

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## COMMENT BOXES

Employment Barriers	<p>Employment barriers may be intentional or unintentional. The list below outlines the kinds of barriers which can occur:</p> <ul style="list-style-type: none"><li>➤ <b>Attitudinal barriers</b> exist in biases and stereotypes.</li><li>➤ <b>Social barriers</b> include inflexible work arrangements that make it difficult to balance work and family responsibilities.</li><li>➤ <b>Cultural barriers</b> such as language barriers</li><li>➤ <b>Physical barriers</b> include inaccessible buildings and work stations as well as tools of work that are inaccessible to persons with disabilities</li><li>➤ <b>Information barriers</b> include lack of information about employment opportunities.</li><li>➤ <b>Credential barriers</b> refers to educational requirements that do not recognize foreign credentials and experience, or that do not recognize that knowledge and skills can be acquired through means other than formal education.</li></ul>
Workforce Analysis	<p>A workforce analysis compares the department's internal workforce with the external labour force for evidence of significant under-representation and disproportionate distribution of the designated groups. A workforce analysis has three components:</p> <ul style="list-style-type: none"><li>➤ Internal workforce data identifies the composition of the department's workforce with respect to the representation, distribution and retention of the four designated groups.</li><li>➤ External labour force data identifies the availability of designated group workers by specific occupations related to the work of the department.</li><li>➤ An analysis of the differences between labour force data and workforce data, with particular attention to those occupations where the department's workforce is significantly less than the available labour force.</li></ul>
Employment Systems Review	See also Removing Barriers Policy, Q6 and Q7
Characteristics protected by The Manitoba Human Rights Code	Defined in Manitoba Human Rights Code 9(2)

Systemic discrimination	Systemic discrimination means practices, policies or systems that operate to limit a group's right to opportunities or to exclude a group from participating in an activity. Systemic discrimination produces hidden barriers that appear neutral but which negatively impact a designated group. They are generally unintentional. Systemic barriers thus are measured not by intent but by impact. See also Barrier Free Employment Advertising Guideline 4.2.3.
Criteria for identifying barriers	Defined in Q3, this policy
Diversity	Defined in Overview 0.2
Equity	Defined in Overview 0.2
Designated groups	Defined in Employment Equity Policy 1.5.0