

HR Audit: Are Your Employment Practices Perpetuating Racial Discrimination?



If you're appalled by the recent murders in the U.S. and want to take a stand against racism and racial discrimination, the place to start is by asking this question: Is our organization part of the problem? In so doing, you'll be recognizing that racial discrimination can exist within an otherwise well-intentioned organization in the form of policies and practices that appear neutral on their face but have the effect of excluding or marginalizing people of colour and other minorities. This phenomenon is called systemic and institutional discrimination and here are 19 things the Ontario Human Rights Commissions says you should consider to determine whether your organization is inadvertently practicing it.

Recruitment, Selection & Hiring (Pitfalls 1 to 6)

What You Want to Find: Your organization hires persons of colour at a rate that reflects their representation in the pool of qualified applicants. If it doesn't, you need to find out why and consider whether your recruitment, interviewing or hiring practices are having the effect of excluding qualified minorities. Here are 6 pitfalls to check for:

Pitfall 1: Your recruitment relies too heavily on personal networks, social relationships, word-of-mouth referrals and other methods that tend to target people of the same ethno/racial characteristics as the recruiter. **Solution:** Wide circulation of formal job ads which clearly describe the position and qualifications in media where they're likely to come to the attention of people of colour.

Pitfall 2: Your staffing decisions based on informal processes that are more apt to generate subconsciously biased decision-making, e.g., chat interviews to see if applicants share similar interests and will "fit" into the organizational culture. **Solution:** Formal interviews by multiple-person interview panels that use preset, objective questions based on job qualifications who then score the answers against a pre-determined answer guide.

Pitfall 3: You sometimes inflate job requirements, e.g., by requiring a Master's degree when a Bachelor's is all that's really necessary. **Solution:** Job requirements that are reasonable and bona fide.

Pitfall 4: You look for job applicants with "Canadian experience." **Solution:** Assessing all prior experience, regardless of where the applicant obtained it.

Pitfall 5: You incorporate what you consider to be desirable personality traits, e.g., “aggressiveness,” which may screen out or discourage persons of colour.

Solution: Job qualifications that are culturally neutral and performance-based, e.g., ability to plan and complete projects within stated timelines.

Pitfall 6: Relying on too heavily on psychometric, psychological and other testing and simulations which may favor the dominant culture, e.g., a written test for a job not requiring written skills that has the effect of screening out persons for whom English or French is a second language. **Solution:** i. Administer tests only after making a conditional offer of employment; ii. Ensure that the test is a reasonable and bona fide method of assessing an applicant’s ability to do the job; and iii. Avoid tests that assess applicants’ personal interests.

Training & Development (Pitfalls 7 to 12)

What You Want to Find: Persons of colour at your organization participate in training opportunities at the same rate as other employees. If this is not the case, review your training and development policies and practices for the following pitfalls.

Pitfall 7: You limit training opportunities to senior employees when people of colour are concentrated in lower level positions of your organization. **Solution:** Making appropriate training available to all employees across all levels.

Pitfall 8: Training you provide for employees at lower levels focuses on current job skills, while training for more senior level employees prepares them for promotion and advancement. **Solution:** Training that both enhances current job skills and prepares employees for different or more advanced jobs.

Pitfall 9: Employees generally find out about training opportunities via word of mouth or other informal means. **Solution:** Widely disseminating training information via formal means likely to reach all staff such as e-mails, memos and bulletin board postings.

Pitfall 10: Supervisors select which employees will be offered training. **Solution:** Encouraging all employees to seek training and allowing them to nominate themselves for training opportunities.

Pitfall 11: You have informal mentoring in which managers select employees to “take under their wing,” which can result in excluding persons of colour. **Solution:** Formal mentoring programs ensuring that all employees receive mentorship.

Pitfall 12: You don’t provide anti-racism and human rights training to make people at your organization aware of what constitutes discrimination or harassment and how barriers operate to exclude people. **Solution:** Provide ongoing training in human rights and antiracism for all employees, especially supervisors and managers.

Promotion & Advancement (Pitfalls 13 to 16)

What You Want to Find: Persons of colour at your organization are proportionately represented at senior levels of your organization and not concentrated at lower levels or technical positions. If not, determine if your systems for promotion are posing obstacles to equitable advancement.

Pitfall 13: Acting assignments are a stepping-stone to promotion, which can result in significant barriers, especially if, as is often the case, the process for awarding acting positions is informal. **Solution:** Award acting assignments via a formal process

that includes circulating information about acting opportunities to all eligible staff, using a clearly set out process for selection based on objective criteria, like a written test, formal interview and written performance appraisals.

Pitfall 14: You rely on management to identify people who are “promotable,” approach certain employees to encourage them to bid for higher-level jobs and/or help a favourite employee prepare for the selection process. **Solution:** Openly publicize opportunities to move up in the organization and clearly spell out the eligibility requirements and selection procedures to be used.

Pitfall 15: Your performance evaluation systems call on employees to rate themselves and then discuss this with their manager, which may affect some persons of colour, due to past experiences of discrimination or cultural differences in selling oneself. **Solution:** Measure all employees against the same criteria and ensure that managers are sensitive to whether the performance appraisal or evaluation methodology is having an unintentional adverse impact.

Pitfall 16: Persons of colour are clustered or concentrated in certain jobs or categories, such as technical positions, which may result in dead-ends to advancement, particularly into management. **Solution:** Give persons with strong technical skills the same opportunity to demonstrate the skills for other jobs. If necessary, make training available to bridge between technical and other jobs.

Retention & Termination (Pitfalls 17 to 19)

What You Want to Find: The turnover rate for persons of colour is roughly the same as and not significantly higher than it is for other employees. If that's not the case, review your disciplinary and termination policies and procedures.

Pitfall 17: People of colour leave your organization for real or perceived discrimination, harassment or unfairness. **Solution:** Implement anti-discrimination and harassment policies that includes a mechanism to address any complaints and conducting exit interviews to determine if human rights considerations are a factor in an employee's decision to leave.

Pitfall 18: Your disciplinary policies and procedures are undefined, unclear and/or inconsistent. **Solution:** Implement a well documented progressive performance management process and apply it consistently to all staff and in all cases.

Pitfall 19: Your layoff policies and procedures, including the mechanism for selecting whom to layoff, are undefined, unclear and/or inconsistent. **Solution:** Base termination and layoff decisions on clearly defined, objective and performance-related criteria in a consistent manner.