Procedure	:	Checklists for assessing barriers and adverse impact on designated groups
Section	:	Section 5.3
Manual	:	Employment Equity Committee Manual

Checklists for assessing barriers and adverse impact on designated groups

Checklists for assessing barriers and adverse impact on designated groups

The following checklists contain a sampling of the types of questions to be asked when examining employment systems. These lists are not an exhaustive list of every question that can be asked. Use them as a guideline to conduct a good qualitative assessment of your current situation.

Recruitment system checklist

- Are recruiters representative of and include members of the designated groups?
- Are job openings posted on bulletin boards (electronic and paper version) accessible to all employees, including those who work in remote locations and persons with disabilities?
- Are managers aware of recruiting under special measures and are they encouraged to use them?
- Do all job advertisements accurately reflect bona fide qualifications and skill requirements for the job?
- Are you creating a pool of qualified designated group members that possess the types of skills needed by departments?
- Do you take these into consideration when discussing the job requirements with the manager and formulating the essential criteria for the job?
- Would the selection profile eliminate designated group members in the organisation or tend to discourage them from applying?
- Are departmental human resource professionals contacted and given the opportunity to brief the staffing officer by providing relevant information on designated group members at the feeder levels in the department? Are designated group members encouraged to apply in the competition and provided with the required background information?
- If it is apparent that there are no designated group members in the competitive process, do you re-think your criteria and modify them in order to expand the area of competition thereby making it more inclusive?
- Are you aware of the special programmes for designated group members that might yield candidates? If so, do you pursue this avenue if it is determined that there is an insufficient number of designated group candidates in the competitive process?
- Do you know the numbers of designated group members that are retained in each stage of the competitive process?
- Is the participation rate of designated groups tracked?
- Do job advertisements indicate that you are an equal opportunity employer?
- Are all jobs free of credentialism barriers? In other words, is formal academic training required only where safety and/or efficiency and effectiveness standards would be otherwise compromised?
- Are all job advertisements written in easy-to-read, non-bureaucratic, and inclusive language designed to attract a wider pool of job applicants?
- Can you demonstrate that your recruitment practices are up-to-date, and consistently reflect your written policy and procedures?
- Have your recruitment policy and practices been communicated to unions, managers, and employees?
- Are you developing mechanisms to carry out consultation and collaboration with employee representatives under the EEA?
- Do you advertise employment opportunities through a wide variety of mechanisms and media?
- Do you distribute job bulletins to communities where large numbers of designated groups reside e.g. black communities?
- Do you canvass schools, colleges and universities with a high representation of designated groups?
- When conducting recruitment at educational institutions, do you seek advice from employment equity officers and designated group student associations?
- If you hold a staffing inventory, does it consistently have a representative pool of qualified candidates at all job levels?
- Are participation rates tracked from beginning to end of the recruitment process in order to identify potential barriers?
- Are skill components broken down to reflect actual job requirements (e.g., a receptionist position described as follows: receiving the public, receiving applications, possessing a knowledge of company procedures and practices, etc.)?

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- Is someone who is familiar with the day-to-day functions of the job available to provide prospective applicants with information?
- Is the language used in job postings and advertisements checked for gender and cultural biases? For example, is "drafts person" used as opposed to "draftsman"?
- Is "experience" asked for instead of "South African / Gauteng experience", or "university education" rather than "degree from a South African university"?
- Is illustrated material used in recruiting checked for gender and cultural biases?
- Have personnel staffs received training with respect to human rights and other employment-related legislation?
- Have up-to-date human rights and other relevant legislation and information been used in preparing your company's job application forms?
- Is the personnel department accessible to people with physical disabilities?
- Are provisions made in the interviewing process to accommodate people with physical disabilities?
- Do job descriptions/advertisements specify the physical requirements of the job, based on a physical demands analysis?

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Selection systems checklist

- Are frontline staffs i.e. assessors, interviewers and staffing specialists knowledgeable about human rights and employment equity legislation vis-à-vis employer obligations as well as diversity issues?
- Does the area of selection include a representative pool of designated group members?
- Are managers and interviewers aware of their individual and collective responsibilities to support their organisation's employment equity vision and goals?
- Is the selection process, including interviews, fully documented and monitored for adverse effects on designated groups?
- Does your organisation include designated group members on selection teams, especially where designated group members are in the candidate pool?
- Are job requirements reviewed: (a) initially, to ensure that they are bona fide, and do not constitute barriers to designated group candidates, and (b) subsequently reviewed to determine whether they will exclude designated group candidates at rates disproportionate to non-designated group candidates?
- Are tests validated for job-relatedness?
- Are tests and other screening tools examined for cultural, gender and racial biases?
- Do personnel with the right skills and training to avoid biased assessments of designated group members administer tests?
- Are testing and interview locations accessible in physical and geographical terms?
- Are selection test materials made available in various media to accommodate applicant's needs (e.g. Braille, tapes, translation services for hearing-impaired)?
- Are selection tools adapted to meet candidates' needs and do they support the principles of reasonable accommodation?
- Are selection methods reviewed and updated periodically and in keeping with new or revised employment equity policies and laws?
- Are all managers and interviewers aware of the organisation's employment equity philosophy and goals?
- Is the selection process, including interviews, fully documented?
- Are efforts made to include designated group members on the interviewing teams?
- Are tests validated for job-relatedness?
- Are tests examined for gender and racial biases?
- Do trained personnel administer tests?
- Are testing conditions standardized?
- Is the testing facility accessible to wheelchair users?

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- Are test materials available in various media to accommodate applicants' needs (e.g., Braille, tapes, translation services for hearing-impaired, etc.)?
- Are procedures for reference checks standardized?

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Appointment systems checklist

- Are departmental staffing practitioners knowledgeable about the staffing policies and procedures, and the values that they represent, i.e. equitable access, fairness, and merit?
- Do you monitor the proportion of designated group members versus the non-designated group population recruited from the external labour market?
- Do you monitor the promotion rate of designated group members within the department versus that of non-designated group members?
- Are staffing practitioners and managers who exercise delegated staffing authority adequately trained in staffing and EE matters?

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Retention checklist

The goal of the systems review with respect to these issues is to determine if designated group member's leave at disproportionate rates and why. Some reasons for leaving are positive – for example, promotions, offer and acceptance of developmental assignments, improved career opportunities, the desire to do something different. Others tend to be negative and related to the organisational culture. An unwelcoming culture may be a contributing factor in a high turnover rate of designated group members.

- Do persons in the designated groups leave at disproportionate rates compared to other employees?
- Does the organisation have information on why its employees are leaving?
- Do these reasons include unfair targeting of designated group members? For example, are they over-represented in term appointments that are not renewed?
- Are there reports of subtle pressure on designated group members to seek alternative employment?
- Are lay-off and termination decisions based on clearly defined, job-related and objective criteria?
- Are alternative opportunities available and communicated to designated group members affected by terminations?

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Training and development system checklist

In conducting the training and development systems review, the review should extend to a broad examination of an organisations training and development initiatives, from the identification of training needs, to the instructional design of the training material, as well as the actual training itself.

Checklists for assessing barriers and adverse impact on designated groups

- Do designated group members participate in training and development opportunities at lower rates than other employees? Is information on training and development opportunities disseminated to all employees? Is this information accessible to persons with disabilities?
- Do all new employees have access to orientation and other courses about the department?
- Is the selection for training and development solely at the discretion of supervisors? Do designated group members and other employees have access to a redress mechanism if they feel that they have been unfairly denied access to training and development opportunities?
- Do employees in the designated groups have access to training and development opportunities that prepare them for more advanced jobs in the organisation?
- Has your training material been reviewed for gender, racial or other biases?
- Is diversity training available to all employees of your organisation either as stand-alone modules or integrated with other training activities? Do managers and employees who are not in the designated groups participate in such training?
- Is training linked to seniority, job type and level, earnings, or next-in-line status, and if so, does it adversely affect designated group members.
- Do designated group members participate in all training and development programs at the same rate as other employees? What is the underlying reason for their lower participation rate?
- Are records kept of designated group participation in training events to determine if training policies and procedures exclude designated group members.
- Are members of designated groups excluded from training programmes because of stereotyping and in-group bias? For example, women might be excluded from some types of training because of the assumption that they may be away from work for maternity and child-rearing leave.
- Is information on training programmes disseminated to all employees within the organisation, and they familiar with how to apply.
- Are training materials or notices about training produced in alternate formats, such as Braille or audio form.
- Determine whether training nominations, which are usually done solely at the discretion of supervisors, do not exclude designated group members. Where possible, allow employees to nominate themselves for training.
- Selection criteria for taking training should not be inflated, but should also take cognisance of prior learning, relevant experience and reasonable ability to acquire the skills, otherwise designated group members may not apply.
- Sometimes, training for employees at the lower level of the organisation is given to enhance current job skills, not to prepare for different or more advanced jobs. More senior-level employees often have the option of taking courses to prepare them for promotion. This practice could adversely affect designated group members, if they are located at the lower levels of the organisation. It can be useful to compare the kind of training extended to members of designated groups to the training given to senior staff.
- Are trainers instructed on the needs and issues of designated group members and on how to encourage them to participate during training sessions?
- Are contracted trainers made aware of the organisation's employment equity policies and cross-cultural issues in a training context?
- Does your organisation have a training and development policy based on employment equity principles? For example, is a fair proportion of your training plan focused on employment equity initiatives, such as diversity awareness training, sexual harassment training etc? Does your training plan allocate a certain percentage of training to delegates from designated groups?
- Are all employees aware of the organisation's training and development opportunities?
- Do all employees have access to training and development opportunities?
- Have you ensured that there are no restrictions to training opportunities based on occupational levels and earnings?
- Are training centres accessible to disabled persons?
- Do employees have access to in-house or company-paid career counselling?

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Promotion system checklist

Checklists for assessing barriers and adverse impact on designated groups

An organisation's promotion systems must form part of the employment systems review. An organisation's promotion mechanisms may include: job rotation, secondments, special assignments, bridging jobs and task force and/or committee participation. As with other employment systems, access to these and other mobility mechanisms can be blocked because such opportunities may not be publicized. Also, employee selection may be based on seniority or managerial discretion. An absence of fair and objective selection criteria also leaves room for subjectivity and bias that could influence the choice of candidates for mobility or promotional opportunities.

Which of the following mobility mechanisms exist in your organisation?
- Secondments
- Special assignments
- Job rotation
- Transfers
- Bridging jobs
- Special training and development courses
- Retraining
- Special committee or task force participation

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Upward mobility systems checklist

If you are unable to answer yes to the following questions, you are encouraged to develop appropriate solutions to remedy the situation.
- Have you identified formal lines of progression or career paths for each occupational group?
- Has this information been made available to all employees as part of a career counselling or performance appraisal session?
- Are there entry-level jobs in each job category from which employees have the opportunity to advance?
- Are there established criteria to select employees for upward mobility opportunities?

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Performance evaluation system checklist

Performance evaluations in use in the organisation need to be examined for possible adverse impact on designated groups. If the performance criteria used for determining suitability for promotion to more senior positions are different from those used in performance evaluations of lower level job categories, it may be difficult to determine the suitability of the affirmative promotion of employees from designated groups. For example, a junior level employee may be evaluated on his or her "attention to detail" and "time management" yet the department manager will be measured against such criteria as "initiative" and "strategic thinking".
When using performance management systems as a criteria for promotion, extend the evaluation of performance to external community based work to identify possible skills of employees from designated groups which, while not utilised in the workplace, may be an indication of an employees capacity to meet senior level position criteria. There are numerous instances of Black employees who are involved in community projects or hold responsible community leadership positions. The writer can recall one scenario where a low level employee who held a "cleaning" position acted as a treasurer for a large community based housing initiative. Prior to the employee's community activities became public knowledge within the department, the employee was always overlooked for promotion because of lack of formal education and perceived lack of financial skills.

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- Establish "bridging" positions for employees to move from low-level positions within the organisation to more senior positions. For example, upon closer examination (using either a job grading system or skills and knowledge hierarchy) the promotion of a senior human resource officer to a human resource manager represents a difference of two or three job grades. Unless support mechanisms are in place, an employee from a designated group may be destined for failure or become a poor manager and viewed by the organisation as mere "window dressing".
- Allow for lateral movement out of "dead-end" jobs into occupational groups, which may have greater scope for further development or promotion. For example, there is little scope for promotion of female secretaries. Yet allowing female employees to move laterally and occupy positions in Sales and Marketing functions or Financial or I.T functions will allow this category of designated employees to grow and develop skills for future promotion.
- Avoid unconscious biases in the promotion of employees in specific job categories. For example, a common bias is to think that Training and Development Directors should female or have a specific sexual orientation. Financial director positions tend to be reserved for male employees while Sales and Marketing, Communications, Public Relations or other "soft skills" positions reserved for females.
- Ensure that promotion criteria used to evaluate candidates for promotion are disclosed in advance of interviews or evaluations and widely publicized.

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Retention, recall and termination

Layoff, recall, disciplinary action and termination are employer-initiated actions in response to such factors as incapacity, misconduct or the operational requirements of the business. Voluntary employee termination refers to an employee leaving employment of his/her own volition for such reasons as the need to change jobs, better pay and benefits, better working conditions and/or career opportunities. As with other employment systems, the policies and practices governing the components of this particular employment system can have an adverse impact on designated group members.

Reviewing your layoff, recall, disciplinary action and termination systems:

- Seniority based on company policy
- Seniority based on collective agreement
- Performance appraisal results
- Inability to meet productivity standards
- Job redefinition
- Outsourcing
- Change in image of organisation
- Disciplinary problems
- Alcohol or drug-related problems

Implement:

- ❑ **The suggested remedies and alternatives you deem appropriate and/or develop alternatives that best meet your organisation's needs, and document the suggested remedies and alternatives for incorporation into the employment equity report.**
- ❑ **Review all relevant policies and formal collective agreements, and develop lay-off and recall procedures that minimize negative effects on designated groups.**
- ❑ **Record the frequency, length of time of, and reasons for layoffs, by department or work site; determine if the results are different for designated and non-designated groups.**
- ❑ **Determine the impact of layoff decisions on designated groups; provide retraining and bridging opportunities (to alternative positions) where possible and investigate work-sharing programs with relevant government sources.**

Checklists for assessing barriers and adverse impact on designated groups

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Disciplinary action and termination

If a disproportionately high number of designated group employees are negatively affected by disciplinary and termination decisions:

- Track terminations by designated group status
- Investigate disciplinary action and termination patterns throughout the organisation by designated group status; compare with majority groups to determine if the applicable policies have an adverse impact
- Provide, for those affected by disciplinary termination actions, in-house counselling which is sensitive to designated group issues and which reflects the company's commitment to employment equity
- Establish policies which clearly state acceptable standards of work behaviour
- Outline procedures for possible disciplinary action and consequences for non-compliance, and subsequent appeal routes
- Inform managers of their role in adhering to policy guidelines, and their responsibility to be sensitive to designated group issues while applying these guidelines
- Ensure that all employees are aware of relevant policies

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Layoff, recall, disciplinary action and termination systems checklist

If you are unable to answer yes to the following questions, you are encouraged to develop appropriate solutions to remedy the situation.
- Are layoff and termination decisions based on clearly defined, job-related and objective criteria?
- Have your company's employees been provided with information on the organisation's policies and procedures respecting layoff, recall, disciplinary action and termination?
- Does management in your company follow an established procedure when taking disciplinary action against an employee?
- Does your company provide counselling and/or rehabilitation programs to employees?
- Do all employees have access to company employee assistance programs?
- Are formal exit interviews conducted to determine reasons for voluntary employee terminations?

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Job evaluation systems review

The factors used in job evaluation typically include the skills and knowledge required to do the job, the amount and significance of responsibility involved, the effort required and the working conditions. Job evaluation simplifies pay structure

Checklists for assessing barriers and adverse impact on designated groups

decisions and makes them more rational.

The most common methods of job evaluation are: ranking, classification (or grade description), point system and factor comparison.

Pay equity is becoming a growing consideration in the selection and application of job evaluation plans. One of the most significant problems is gender bias, which has led to pay differentials between jobs performed by men and women. Although various job assessment methods ostensibly place emphasis on the value of the job and not on the person doing the job, traditional job evaluation systems tend to devalue jobs frequently filled by designated group members, and women in particular.

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Job evaluation systems checklist

If you are unable to answer yes to the following questions, you are encouraged to develop appropriate solutions to remedy the situation.

- Have you eliminated the use of market value as a key criterion in your job evaluation system(s)?
- Do your systems focus on job content, instead?
- Does your job evaluation system incorporate pay equity principles in order to eliminate gender based pay discrimination?
- Are you confident that your company could pass a pay equity compliance review (in jurisdictions where pay equity laws apply)?

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Compensation systems review

The purpose of any compensation system is to convert the value, which a company's job evaluation system ascribes to each job to actual wages and salaries. In essence, compensation is any payment for work performed by an employee as well as benefits. It includes salary, wages, commissions and bonuses. Various definitions of what constitutes compensation exist in employment related legislation.

In many organisations, the employer in respect of senior executive employees pays all contributions to medical aids and retirement funds. The former definition would not take into account these payments, and any comparative review of the organisation's compensation systems would be skewed. In respect of the latter definition, these employer contributions as well as other allowances such as telephone, cellular, car, security, entertainment etc would be included in determining what constitutes compensation.

As with the job evaluation system, rater biases and subjective opinions can influence individual pay determinations. Other factors which can adversely affect individual pay determinations are: market value considerations, the number and range of salary grades used in the system, stereotypical beliefs about the level of skills required, employment experience and need to work, and the skill or ability to negotiate initial salary or subsequent pay increases.

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Checklists for assessing barriers and adverse impact on designated groups

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Reviewing your compensation system:

- The policies and practices governing your organisation's compensation system
- Your organisation's methods of compensation
- Which factors determine initial salary rates for new employees (for example: work experience, managerial discretion, market value, individual negotiation)
- The validity of factors influencing pay differentials
- Whether your organisation's pay scales are publicized or the rationale for not publicising
- The average earnings of designated group members compared with non-designated group members in comparable jobs
- If your organisation is subject to pay equity legislation

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Compensation system checklist

If you are unable to answer yes to the following questions, you are encouraged to develop appropriate solutions to remedy the situation.
- Have pay ranges been established for all jobs?
- Are your company's pay scales publicised or accessible to employees?
- Are you confident that any existing pay differentials are based on such factors as skill, effort, responsibility and working conditions, and not on sex or race?
- Is your organisation's compensation system based on pay equity or equal pay principles, as determined by applicable provincial legislation?
- Would your company be able to pass a pay equity compliance review, where pay equity legislation applies?

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Benefits systems review

Reviewing your benefits system
- What benefits, including perks, are offered by your organisation
- The eligibility criteria for the various benefits and perks which your organisation provides. Highlight, for example, which employee groups are eligible and note the exclusions as well as the rationale
- The policy respecting the accumulation of benefits and seniority during leaves of absence, including maternity or paternity leave, sabbaticals and other short— and long-term leaves
- What benefits are available to part-time employees
- How information on benefits is communicated to employees
- If any of the policies, including eligibility criteria governing your organisation's benefits system, have an adverse impact on designated group members

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- Ensure that bonuses are fairly distributed among qualified employees
- Determine reasons for salary-based, maximum payments or discretionary payment plans, and implement appropriate changes
- Review all paid and unpaid leave policies and determine if exclusion affects designated groups disproportionately
- Review labour and human rights requirements and ensure compliance with applicable legislation
- Review your organisation's maternity and parental leave policies and institute necessary changes to ensure that all employees can benefit from this practice
- Consider "topping up" the unemployment insurance benefits of women on maternity leave to equal their usual earnings
- Ensure that employees receive periodic updates on their benefit options
- Designate a knowledgeable staff member to publicize benefit options and handle enquiries
- Determine the need for multilingual brochures and information packages, and produce as appropriate.
- Formulate a policy to deal with employees' requests for special religious holidays, with due regard to the application of the business necessity criterion and the concept of reasonable accommodation which is encouraged by human rights legislation and the Employment Equity Act.

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Conditions of employment systems review

Working atmosphere is also an important aspect of conditions of employment. Failure to ensure a hospitable working environment for all employees can make an organisation vulnerable to human rights complaints and litigation, particularly with respect to sexual harassment, which is prohibited by human rights legislation. In essence, an unreceptive working environment may result in not only unfair treatment, particularly of designated group members, but also an ineffective use of human resources.

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Reviewing your conditions of employment

- Whether conditions of employment are reasonable in light of the organisation and are consistently applied across all job levels
- Whether any work conditions have an adverse impact on designated group employees
- Whether the working environment is receptive to all employees
- Whether conditions allow access to employment opportunities for all employees
- The organisation's health and safety policies and practices
- Ensure that attendance rules are reasonable and job-related for employees at all levels
- Determine the business necessity of established rules and make reasonable accommodation wherever possible
- Provide consistent and non-arbitrary guidelines for employees at all levels
- Eliminate dress codes wherever requirements are not demonstrably job-related; abide by human rights legislation respecting individual religious observance and dress requirements and provide reasonable accommodation, as appropriate
- Define and require respectful conduct of and toward all employees
- Conduct a survey of existing physical barriers; obtain expert assistance from governments and advocacy groups regarding technical aids and job accommodation

Checklists for assessing barriers and adverse impact on designated groups

- Involve employees with disabilities in developing and delivering awareness sessions on working with persons with disabilities, and include such topics as job accommodation and technical aids.

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Conditions of employment checklist

If you are unable to answer yes to the following questions, you are encouraged to develop appropriate solutions to remedy the situation.

- Are your workplace rules applied consistently?
- Is your working environment hospitable to designated group members?
- Do your conditions of employment allow for reasonable accommodation of differences among employees?
- Does your organisation have a health and safety committee?
- Is the work site accessible to employees with disabilities?
- Are washroom and cafeteria facilities accessible to persons with disabilities?
- Does your organisation supply technical aids to workers with disabilities?

Workplace harassment

If there are no workplace anti-harassment policies and procedures:

- Prepare an anti-harassment policy in consultation with management, labour and individual employees, as appropriate
- Ensure that company practices comply with applicable human rights legislation, specifically with respect to discrimination based on prohibited grounds, such as race, ancestry, place of origin, record of offences, marital status, family status, handicap, age, religion, creed and sexual orientation
- Review and, if necessary, strengthen any existing policy and procedures in this area
- Disseminate the relevant policy and procedures throughout the organisation via information sessions

Health and safety issues

- Review current health and safety issues practices
- Prepare and disseminate up-to-date health and safety policies
- In addition to complying with applicable health and safety laws, apply the principle of reasonable accommodation where employees are, or believe themselves to be at risk