

**MOOSE FACTORY ISLAND
DISTRICT SCHOOL AREA BOARD**

ADMINISTRATIVE PROCEDURE NO. 435	
Effective	
Revision Date	

STAFF RECRUITMENT AND SELECTION

PURPOSE

This administrative procedure has been developed to support the Moose Factory Island District School Area Board staffing objective of securing the best qualified and most effective staff members available, within the staff complements and salary ranges approved in collective agreements and the annual Board budget.

This procedure also describes the human rights issues that must be considered when recruiting and selecting staff members.

PROCEDURE

1. Compliance: Legislation and Agreements

The Moose Factory Island District School Area Board employs personnel to fill vacancies in teaching and non-teaching positions in accordance with the *Education Act* and its Regulations, the *Ontario Human Rights Code*, and the collective agreements and terms of conditions of employment with employee groups.

2. General Expectations

- 2.1. All staff positions, other than occupational positions, shall be authorized by the Board either by direct Board motion or through the budget approval process.
- 2.2. The placement of external advertisements shall be coordinated by the Business Administrator and approved by the Superintendent of Education.
- 2.3. No candidate shall be employed for or assigned to a position where his or her evaluation will be made in whole or in part by a member of his or her immediate family. Immediate family shall mean spouse, son, daughter, mother, father, sister or brother.
- 2.4. Employees must declare when an immediate family relationship develops that puts the employee into a direct reporting relationship. Approval must be obtained from the Superintendent of Education in order to allow this working relationship to continue.

3. Teaching Staff

- 3.1. The hiring and appointment of teaching staff shall be according to Board Policy No. GOV-18 Personnel Decisions. Interviews will be conducted by:
- a) the supervisory officer;
 - b) the principal and vice-principal of Ministik School; and
 - c) another educational leader [e.g. a representative from the Moose Cree Education Authority or a superintendent from another school board.]
- 3.2. The supervisory officer and hiring committee will make the final decision about the hiring of teachers and will provide the Board with information about the successful candidate(s).

4. Principal and Vice-Principal

- 4.1. As set out in Board Policy No. GOV-18 Personnel Decisions, the supervisory officer is responsible for the process of recruiting qualified individuals to serve as the principal and vice-principal of Ministik School.
- 4.2. The Board will solicit the views of the School Council of Ministik School about the process and criteria applicable to the selection of the principal and vice-principal, according to Ontario Regulation 612/00 School Councils.
- 4.3. When hiring individuals for the positions of principal and vice-principal, the hiring committee will include the following:
- a) the supervisory officer of Moose Factory Island District School Area Board;
 - b) another superintendent appointed by the supervisory officer;
 - c) one trustee of the Board, approved by the Board to the hiring committee; and
 - d) another educational leader [e.g. a representative from the Moose Cree Education Authority or a superintendent from another school board.]
- 4.4. The supervisory officer will make recommendations to the Board concerning the hiring of the principal and vice-principal who will not be hired without the approval of the Board.

5. Non-Teaching Staff

- 5.1. The engagement and appointment of all non-teaching staff shall be made by the Board upon the recommendation of the Business Administrator and the hiring committee charged with the responsibility for interviewing candidates.
- 5.2. The acceptance of applications, screening, and interviewing shall be conducted by the following hiring committees:
- a) School Based Personnel:
 - Supervisory Officer
 - Principal or Vice-Principal
 - Resource Person

- b) System Based Personnel
 - Business Administrator
 - Resource Person if required
 - Trustee(s)

5.3. When hiring system based personnel, the Business Administrator shall invite, through the Chair, a number of trustees (number to be determined by the Business Administrator) to participate in the hiring process as advisors.

5.4. The Business Administrator will make a recommendation to the Board concerning the hiring and assignment of individuals to non-teaching system level roles. These individuals will not be hired, assigned, or reassigned without the approval of the Board.

5.5. Occasional staff may be employed by the Business Administrator on a needs basis.

6. Screening of Applicants

6.1. The screening of applicants and résumés and the administration of screening tests must be done carefully in order to eliminate potential bias when short-listing candidates. It is at this stage, in particular, that subjective and/or non-job-related criteria can have an adverse impact on designated group members. Screening involves evaluating each applicant against the actual, advertised criteria of the job.

6.2. The paper screening is often used to reduce the number of candidates for an interview. This process must not automatically penalize or exclude applicants:

- who have spelling errors in their applications, or who have handwritten résumés;
- who have gained transferable skills through volunteer work;
- who have a gap in their work experience;
- who have non-Canadian experience or credentials;
- whose work experience is not recent; or
- who are perceived to be overqualified.

a) For example, women and persons with disabilities, when not participating in the paid workforce, have traditionally acquired a wealth of experience through participating in volunteer work. The skills developed may well be transferable to the paid workforce and should be evaluated in the same way as those skills obtained in the paid workforce. In most cases their volunteer experience may be no less valuable to the employer than recent, paid work experience; thus it must not be discounted.

b) The automatic exclusion of applicants who are perceived as "over qualified" may negatively impact some members of racial minority groups who are experiencing difficulty getting jobs at the level of their qualifications. Many immigrants have foreign credentials which are in excess of those required for the jobs they are seeking. This often occurs because it is difficult to have foreign equivalencies recognized. Also, it is difficult to obtain certification from provincial licensing organizations. Recent immigrants are therefore forced to apply for jobs below their actual qualification level.

- c) If a candidate has qualifications beyond the advertised job requirements, such qualifications should not be taken into account in the screening or rating process. In other words, candidates who have additional qualifications should neither be penalized because they are "over qualified" nor treated more favourably because of the additional qualifications.

7. Checking of References

- 7.1. Reference checks are a collection of job-related information about a candidate's skills, previous work experience, and work performance. The information collected assists the hiring committee in verifying the candidate's track record. In order to ensure that the information is not biased or subjective, a number of references should be contacted. The questions asked should be closely tied to the selection criteria and to the information that the candidate has already volunteered on the résumé. For instance, if a candidate stated that he or she had written and presented a training workshop, a supervisor could ask the previous employer to confirm this and to describe the work in detail.
- 7.2. Some designated group members, particularly those new to the country and/or those who have been out of the workforce recently, may be at a disadvantage because they do not have work-related references who can be contacted. In these situations, letters of reference and personal references should not be discounted.
- 7.3. The *Freedom of Information and Protection of Privacy Act* requires that candidates provide written consent to contact references. Reference checks must be limited to those referees.

8. Interview Preparation

- 8.1. Selection criteria must be developed to ensure that the standards identified for the evaluation of candidates for a specific job are reasonable and job-related. Selection criteria must accurately and realistically reflect the qualifications and abilities essential to carry out the job duties. Non-related job requirements, such as arbitrary standards of education or work experience, can exclude qualified individuals, including designated groups under the *Ontario Human Rights Code*.
- 8.2. Selection criteria should be job-related and measurable, not general or subjective. The criteria should reflect the skills and knowledge required to enter the job, rather than those expected of a fully functioning incumbent, unless there are exceptional circumstances.
- 8.3. Advance information must be sent to short-listed candidates to familiarize them with the job requirements. Candidates must be provided with sufficient information in order to be prepared for the structure, content, and format of the selection process.
- 8.4. The interview site must be accessible to all.
- 8.5. The hiring committee must be briefed, and roles and responsibilities need to be assigned to ensure consistency in the interview process.

- 8.6. It is important to ensure that questions have been prepared in advance and are based on testing the applicant's qualifications for the job. All questions must be job-related and legal according to the *Ontario Human Rights Code*. [See Appendix]
- 8.7. If interviewing for a position for which the language of instruction is other than English, accommodation must be made during the interview to assess the candidate's ability in that language of instruction. (e.g., one member of the hiring committee is fluent in the language of instruction, and some questions are posed in the language of instruction.)
- 8.8. Acceptable answers to the questions need to be thought out in advance and recorded. It is essential to have a scoring system that has been designed to measure responses to the questions in a fair and equitable way. All members of the hiring committee must be familiar with the procedures for documentation.
- 8.9. Candidates need to be advised that if they are the successful applicant, employment is conditional upon a criminal records search being successfully completed.

[NOTE: See Appendix, Ontario Human Rights Interview Guidelines, which is attached to this administrative procedure.]

Legal References:

Ontario Human Rights Code

Municipal Freedom of Information and Protection of Privacy Act

Ontario Regulation 298 Operation of Schools-General: Assignment and Duties of Principals, Vice-Principals, Teachers

Ontario Regulation 612/00 School Councils, Parent Involvement Committees, paragraph 19 (1) 4: Selection of Principals, Vice-Principals

Ontario Regulation 521/01 Collection of Personal Information—background check

Board References:

Board Policy GOV-01 Mission, Vision, and Values

Board Policy GOV-04 Role of the Supervisory Officer-Personnel Management

Board Policy GOV-12 Selection of the Supervisory Officer

GOV-12 Process Guide: Selection of the Supervisory Officer

Board Policy GOV-18 Personnel Decisions

MFIDSAB Collective Agreements/Terms of Conditions of Employment

Form ADMIN 435-01 Request to Hire

Form ADMIN 435-02 Employment Application for Teaching Position

Form ADMIN 435-03 Employment Application for Non-Teaching Position

Form ADMIN 435-04 Applicant Listing and Screening Form

Form ADMIN 435-05 Telephone Reference Check: Teaching Staff

Form ADMIN 435-06 Telephone Reference Check: Non-Teaching Staff

Form ADMIN 435-07 Written Reference Check: Teaching Staff

Form ADMIN 435-08 Written Reference Check: Non-Teaching Staff

Form ADMIN 435-09 Questionnaire and Interview Rating Form

Form ADMIN 435-10 Hiring Summary: Teaching Staff

Form ADMIN 435-11 Hiring Summary: Non-Teaching Staff

APPENDIX

**ONTARIO HUMAN RIGHTS COMMISSION
INTERVIEW GUIDELINES FOR DEVELOPING QUESTIONS
FOR USE AT PERSONNEL EMPLOYMENT INTERVIEWS**

CATEGORY	QUESTIONS AT EMPLOYMENT INTERVIEWS
BIRTHPLACE, ANCESTRY, ETHNIC ORIGIN, PLACE OF ORIGIN	<p><u>APPROPRIATE</u> A special interest organization serving people identified by a prohibited ground of discrimination may inquire about such status if having that status is a genuine and reasonable requirement for the job in question. (see footnotes 1 and 2)</p> <p><u>INAPPROPRIATE</u> All other inquiries.</p>
SEX, MARITAL STATUS, FAMILY STATUS	<p><u>APPROPRIATE</u> Inquiries about sex or marital status may be made only if sex or marital status is a genuine and reasonable qualification for the particular job. An applicant may be asked his or her relationship to other employees if the employer has a nepotism or anti-nepotism policy regarding spouses, children, or parents of the employer of an employee. (see footnotes 1 and 2)</p> <p><u>INAPPROPRIATE</u> All other inquiries including those prohibited on application forms.</p> <p>NOTE: Inquiries about sex, marital status or dependents which are pertinent to an employee superannuation, pension, or insurance plan may be made after hiring.</p>
AGE	<p><u>APPROPRIATE</u> Inquiries about age may be made only if the age of the applicant is a genuine and reasonable qualification for the particular job. (see footnotes 1 and 2)</p> <p><u>INAPPROPRIATE</u> All other inquiries.</p> <p>NOTE: After hiring, the employee may be asked for proof of age, and inquiries may be made which are relevant to an employee superannuation, pension, or insurance plan.</p>
RACE, COLOUR	<p><u>APPROPRIATE</u> Nil (see footnotes 1 and 2)</p>
RELIGION, CREED	<p><u>APPROPRIATE</u> Inquiries about leave of absence required for religious observances.</p>
EDUCATION	<p><u>APPROPRIATE</u> Job-related inquiries designed to determine the merits of an applicant's qualification, including verification of educational background.</p> <p><u>INAPPROPRIATE</u> Inquiries designed to elicit information about any prohibited ground of discrimination.</p>

CATEGORY	QUESTIONS AT EMPLOYMENT INTERVIEWS
CITIZENSHIP	<p><u>APPROPRIATE</u> Inquiries may be made about Canadian citizenship if:</p> <ul style="list-style-type: none"> • Canadian citizenship is required by law for the particular job; • Canadian citizenship or permanent resident status, if required to foster participation in cultural, educational, trade union or athletic activities by Canadians or landed immigrants; or • the position is a chief or senior executive position and the organization requires a holder to be a Canadian citizen or to be domiciled in Canada with the intention to become a Canadian citizen. (see footnotes 1 and 2) <p>An applicant may be asked to provide proof of eligibility to work in Canada.</p>
RECORD OF OFFENCES (see footnote 3)	<p><u>APPROPRIATE</u> Inquiries about a record of offense including verification of pardon may be made if the nature of the particular job makes the absence of a record of those particular offenses a genuine and reasonable qualification for the job. (see footnote 1 and 2)</p> <p><u>INAPPROPRIATE</u> Inquiries about record of offenses which are not job-related.</p>
HANDICAP	<p><u>APPROPRIATE</u> Inquiries or medical examinations which are directly related to an applicant's ability to perform the essential duties of the job. (see footnotes 1 and 2)</p> <p><u>INAPPROPRIATE</u> Medical examinations or inquiries about health which are not directly job-related may constitute evidence of unlawful discrimination.</p> <p>NOTE: Genuine and reasonable inquiries about handicaps that are pertinent to legitimate personnel purposes, such as relating to superannuation, pension disability, life insurance, or other benefit plans may be made after hiring. However, exclusion from such plans may not be used as a reason for denying employment.</p>
REFERENCES AND MEMBERSHIPS IN ORGANIZATIONS	<p><u>APPROPRIATE</u> Nil (see footnote 2)</p> <p><u>INAPPROPRIATE</u> Inquiries should not be made which would elicit information about any of the prohibited grounds. (see footnotes 1, 2 and 3)</p>

FOOTNOTES

1. Special Interest Organizations

A religious, philanthropic, educational, fraternal, or social institution or organization that is primarily engaged in serving the interests of persons identified by a prohibited ground of discrimination is allowed to give preference in employment to persons similarly identified, if the qualification is a reasonable and genuine one because of the nature of the employment.

Inquiries about such affiliation may be made at the employment interview stage. For further information, contact the nearest office of the Human Rights Commission.

2. Special Programs

Employers may implement special programs designed to relieve hardship or economic disadvantage or to assist disadvantaged groups to achieve equal opportunity. An employer who wishes assistance in the development of such a program or who wants to know whether a proposed program meets the requirements of the *Code* may make application to the Commission. The Commission will then review the program, and if it meets the requirements of the *Code*, make a declaration to this effect. For further information, contact the nearest office of the Commission.

3. Record of Offenses

"Record of Offenses" means a conviction of:

- i. an offence under a federal statute (for example, the Criminal Code for which an unrevoked pardon has been granted under the Criminal Records Act);
- ii. an offence under an Ontario statute (for example, the *Highway Traffic Act*).

Note: It is the practice of the Human Rights Commission to assist employers in determining their rights and obligations with respect to advertisements, employment application forms, etc. In such cases, the Commission has indicated its approval or disapproval of proposed advertisements and application forms. Employers are invited to contact the nearest office of the Commission.