

## Equity and Inclusion Data Policy

**Manual:** Policy – Operations

**Policy #:** Op-10

**Approved by:** Council

**Date:** September 8, 2023

### 1. Background

In keeping with its vision, the Ontario College of Social Workers and Social Service Workers (the “**College**”) strives for organizational excellence in its mandate in order to serve the public interest, regulate its registrants, and be accountable and accessible to the community.

In the service of its regulatory mandate to protect the public from incompetent, unqualified and unfit practitioners and to regulate its registrants, the College is committed to promoting diversity, equity and inclusion. These principles are also enshrined in the College’s Code of Ethics and Standards of Practice and reflected in its strategic objectives.

In making the decision to begin to invite registrants to share demographic data voluntarily, the College recognized that advancing diversity, equity and inclusion and addressing discrimination are important components of the College’s public protection mandate. Inviting registrants to provide the College with sociodemographic data will enable the College to engage in data-driven decision-making to develop benchmarks and indicators against which it can:

- measure the effectiveness of its own strategic priorities for advancing diversity, equity and inclusion;
- assess the degree to which its registrants reflect the Ontario public it serves; and
- identify systemic barriers and address discrimination within the regulatory context and within the professions of social work and social service work more broadly.

The College will consider demographic data with the underlying goal of better serving the College’s mandate to protect the public interest.

This Policy is based on the fundamental principle that only what is measured can be effectively understood and improved. It is guided by the constitutional and legal principles of the Canadian Charter of Rights and Freedoms, the Ontario Human Rights Code (the Code), Ontario’s Anti-Racism Act and the Canadian Institute for Health Information. Additionally, we are committed to meeting the Truth and Reconciliation Commission of Canada’s calls to action, especially the call to collect data so that progress towards truth and reconciliation can be measured effectively.

In Ontario, the Code permits the collection and analysis of sociodemographic data, provided that the data is collected for purposes consistent with the Code, such as to monitor discrimination, identify and remove systemic barriers, address historical disadvantage and promote substantive equality.

Gathering and analyzing data may result in a number of benefits that can: promote human rights and equity; address systemic barriers to access and opportunity; improve program planning, equitable service delivery and programs; and promoting initiatives regarding diversity, equity and inclusion. Collecting sociodemographic data is also the first step in understanding whether the registration of an organization is reflective of its clients and/or service users.

The College recognizes that it has a critical role to play with respect to diversity, equity and inclusion within the professions of social work and social service work. Through the implementation of the Equity and Inclusion Questions, the College will be in a position to produce a statistical portrait of the sociodemographic characteristics of the social work and social service work professions in Ontario. In this context, the sociodemographic questions in the Equity and Inclusion Questions will be taken from existing validated data sources, which can be measured with accuracy and reliability (such as the Canadian Census and the Anti-Racism Data Standards (being the Data Standards for the Identification and Monitoring of Systemic Racism, also known as Ontario's Anti-Racism Data Standards, (under Ontario's Anti-Racism Act). The statistical information gleaned from the information voluntarily provided by registrants will provide a lens in relation to understanding the demographic characteristics of the professions and the extent to which the professions reflects the public it serves. By understanding these demographics, the College will be in a better position to eliminate barriers, address discrimination, and advance professional, ethical and equitable care and services for the public, while facilitating the fair and equitable treatment of registrants themselves by the College.

## **2. Definitions**

In this Policy, unless otherwise defined or required by the context, the following words and phrases shall have the meanings set out below:

**"Code"** means the Ontario Human Rights Code.

**"College"** means the Ontario College of Social Workers and Social Service Workers.

**"Equity and Inclusion Questions"** is the electronic form that is used by registrants voluntarily to provide information to the College as contemplated by this Policy.

**"information"** is the personal sociodemographic information voluntarily provided by registrants as contemplated by this Policy.

“**Registrant**” means an individual holding a certificate of registration with the College.

### 3. Guiding Principles

This Equity and Inclusion Data Policy adheres to the following principles regarding data collection:

- 3.1 **Principle 1: Privacy, Confidentiality and Dignity**  
Protect the confidentiality of personal information, and respect the privacy and dignity of individuals, groups and communities.
- 3.2 **Principle 2: Commitment**  
Be committed to using the information voluntarily provided by registrants to the College to help eliminate systemic racism and advance racial equity.
- 3.3 **Principle 3: Impartiality and Integrity**  
Be impartial and promote public confidence in efforts to eliminate systemic racism and advance racial equity.
- 3.4 **Principle 4: Quality Assurance**  
Make continuous efforts to ensure the quality of the personal information collected, to conduct analysis in a careful and thorough manner.
- 3.5 **Principle 5: Organizational Resources**  
Use resources in ways that fulfill the requirements of this Policy.
- 3.6 **Principle 6: Transparency, Timeliness and Accessibility**  
Report on information in a timely manner, making the information available to the public in a way that is clear, transparent and accessible.

### 4. Purpose

- 4.1 The purpose of this Policy is to set out the procedure for the **voluntary** disclosure by College registrants (“**the registrants**”) of personal sociodemographic information to the College for purposes consistent with the Code, such as to identify and remove systemic barriers, address historical disadvantage and promote substantive diversity, equity and inclusion.
- 4.2 It is **voluntary** for registrants to provide information in the Equity and Inclusion Questions.
- 4.3 The personal sociodemographic information provided voluntarily by registrants in the Equity and Inclusion Questions pursuant to this Policy is **separate and apart from the mandatory registration information required of registrants** pursuant to the College Bylaw No. 1, Section 26: Information to be Provided by Registrants to the College.

### 5. Voluntary Provision of Information - Method

- 5.1 The College shall only include personal sociodemographic information in the Equity and Inclusion Questions that is **directly and voluntarily** provided by the individual registrant to whom the information relates.

- 5.2 The collection process shall respect the dignity of the registrant and minimize repeated requests for the voluntary provision of the same personal information. Therefore, the voluntary provision of personal information shall be first requested directly following the registration process and subsequently following the annual renewal process.
- 5.3 The College shall collect information which is voluntarily provided by registrants using an electronic form (“the Equity and Inclusion Questions”) that is accessible in accordance with the Accessibility for Ontarians with Disabilities Act, 2005(AODA) and its regulations, and that protects individual registrant confidentiality and privacy, and respects individual registrant dignity.
- 5.4 Where the voluntary provision of personal information about Indigenous identity, ethnic origin and race is requested, the College shall sequence the questions so that Indigenous identity and ethnic origin are asked immediately prior to race. The order in which questions are asked helps to promote the accuracy of responses. Questions about religion can be placed either before the Indigenous identity question or after the race question.
- 5.5 The Equity and Inclusion Questions may include sociodemographic categories and the corresponding definitions, information and questions from reliable and valid data sources (e.g., Canadian Census).
- 5.6 In the Equity and Inclusion Questions, the registrant shall have the option to skip any questions that they do not wish to answer; none of the questions shall require a mandatory response.

## **6. Consent to Provide Information and Withdrawal of Consent**

- 6.1 The information collected directly from the registrant to whom it relates shall be based on **voluntary express consent that is freely given**.
- 6.2 The registrant shall have the opportunity to provide voluntary express consent each time they engage the Equity and Inclusion Questions.
- 6.3 No program, service or benefit shall be withheld, and there shall be no consequences or disciplinary actions, because the registrant does not provide, or refuses to provide, the information.
- 6.4 In obtaining consent for requesting the information, the College shall be careful to make the request in a manner that does not pressure the registrant.
- 6.5 The College shall obtain express consent in a way that respects the privacy and dignity of the registrant.
- 6.6 Express consent shall be knowledgeable and obtained after the individual has been directly provided with the information set out in Section 10 of this Policy: Notice to Registrants Regarding the Voluntary Provision of Information to the College.
- 6.7 The request for the information shall be provided to the registrant in writing, and in an accessible manner in accordance with the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) and its regulations.
- 6.8 The registrant may withdraw their consent to the continued use of their information at any time by providing written notice to the College, but **the**

**withdrawal of the consent does not have retroactive effect where the information has already been used by the College to conduct analysis.**

## **7. Access to, Correction and Removal of Information**

- 7.1 The College shall allow registrants to make written requests to access their personal information or to correct a record.
- 7.2 The College shall provide clear, plain language instructions on how registrants can request access to and correction of their personal information. The instructions shall be included in communications to registrants and posted on the College's website.
- 7.3 The College shall verify the requester's identity before responding to a request.
- 7.4 For both access and correction requests, the College shall document the following:
  - who was given access, when and how access was provided, and who was the authorizing decision maker; and
  - what correction was made and why; or
  - the reason(s) for denying access or correction, and how and when this decision was communicated to the requestor.
- 7.5 Information technology systems shall record statements of disagreement to be attached to the information if a request for correction is not accommodated.
- 7.6 The College shall document and have procedures in place to remove personal information when a registrant withdraws their consent for its continued use and disclosure and requests the removal of their information.
- 7.7 Removal of information may mean deletion, sequestering or suppressing the information so that it can no longer be used in analysis. In some circumstances, a withdrawal of consent may not require destruction or deletion of the information. For example, the College may have a duty to document decision making associated with the information.
- 7.8 The removal of information shall take effect within 30 days after the request is made.
- 7.9 Corrections to and/or removal of registrant information does not require the College to redo analysis conducted using the information that has been corrected and/or removed.

## **8. Confidentiality, Secure Storage, Retention and Disposal of Information**

- 8.1 The handling of information voluntarily provided by registrants to the College pursuant to this Policy shall strictly adhere to the confidentiality requirements of Section 50 of the Social Work and Social Service Work Act (SWSSWA), which stipulates that any person engaged in the administration of the SWSSWA has a statutory obligation to preserve secrecy with respect to all information that comes to their knowledge in the course of their duties and not to communicate any of those matters to any other person. Pursuant to the provisions of Section

55 of the SWSSWA, a person who breaches the confidentiality provision is guilty of an offense under the SWSSWA and on conviction is liable to a fine of not more than \$25,000.00.

- 8.2 The College shall take reasonable steps to secure information throughout its life cycle and maintain all information in a secure database that is part of or can be linked to administrative records.
- 8.3 Access to personal information is to be limited to only those individuals who need it in the performance of their duties. Therefore, the College shall determine the level of access to information that College employees, consultants and agents require in the performance of their duties under the SWSSWA. Access to information must be limited according to the determination.
- 8.4 The College shall retain information that is stored in electronic databases for **at least five (5) years** after the day it was last used, or for as long as reasonable and necessary for the purposes of identifying systemic discrimination and advancing equity and inclusion, unless an individual registrant requests removal of their personal information. Retaining personal information in databases for at least five (5) years allows analysis of long-term trends and longitudinal analysis that requires personal information.
- 8.5 The College shall take reasonable steps to securely dispose of information maintained in electronic records (hard copy or electronic), including:
  - taking reasonable steps so that personal information is securely destroyed in such a way that it cannot be reconstructed or retrieved; and
  - securely disposing of devices with memory capabilities (e.g. computers, phones, photocopiers, fax machines).
- 8.6 The College shall maintain a disposal record that sets out the authority for the disposal, the personal information disposed of, who approved disposal, how it was disposed of, and the date of the disposal. This disposal record must not contain personal information.

## **9. Data Analysis**

- 9.1 The College will de-identify the personal information voluntarily provided by registrants and will minimize the amount of personal information used in analyses and use the personal information in the least identifiable form possible; therefore, the College shall de-identify and disaggregate all such information when conducting analysis and developing reports.
- 9.2 The College shall ensure that in its reports of the data analysis that no individual registrant is identifiable.

## **10. Notice to Registrants Regarding the Voluntary Provision of Information**

- 10.1 In conjunction with inviting registrants to share information voluntarily, the College shall provide notice to registrants, in writing, in a way that is inclusive, accessible and respects individual privacy.

- 10.2 The College shall also provide notice that the registrant may access and correct their personal information or withdraw their consent to the use of their information.
- 10.3 The Equity and Inclusion Questions shall state clearly that the provision of information is voluntary, and that no program, service or benefit will be withheld if the registrant does not provide or refuses to provide the information requested.
- 10.4 The College shall inform registrants that the correction and removal of information does not have retroactive effect.

## **11. Compliance Monitoring and Reporting**

The Registrar and CEO and the Deputy Registrar shall ensure full compliance of this Policy, and all compliance reports shall be submitted to the College Council for routine monitoring of this Policy.

- 11.1 The Registrar and CEO and the Deputy Registrar shall submit a standalone compliance report on a quarterly basis in the first year of the implementation of this Policy and subsequently submit an annual report as part of the Registrar's/Deputy Registrar's routine reporting to the College Council.

## **12. Review of this Policy**

The College Council shall review this Policy at minimum every three (3) years and make relevant changes and ensure that this Policy is updated with the most recent changes to relevant legislation and policy directives in Ontario and Canada.

## References

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