

Sample Human Rights Policies & Procedures

The following samples are provided for guidance purposes:

- A. Policy on Human Rights Code-Based Discrimination & Harassment
- B. Workplace Harassment Policy Including Sexual Harassment
- C. Accommodation Policy and Procedure
- D. Integrated Accessibility Standards Policy under the Accessibility for Ontarians with Disabilities Act
- E. Workplace Violence Policy
- F. Policy on Enhancing Diversity and Inclusion in Recruitment, Retention and Advancement

A. Sample Policy on Human Rights Code-Based Discrimination & Harassment

A detailed sample policy that can be adopted for use by the licensee's legal workplace. (For other workplace harassment, including sexual harassment, see "Workplace Harassment Policy" below)¹

Effective Date: *

Reviewed Date: *

Approval: *

References:

- *Human Rights Code*, R.S.O. 1990, c. H.19
- *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1
- Section 6.3 of the Rules of Professional Conduct ("Sexual Harassment")
- Section 6.3.1 of the Rules of Professional Conduct ("Discrimination")
- Paralegal Rules of Conduct
- Section 33, *Law Society Act*, R.S.O. 1990, c. L.8
- *Guide to developing human rights policies and procedures* (OHRC, revised 2013)

PURPOSE:

XYZ is committed to providing an environment free of discrimination and harassment, where all individuals are treated with respect and dignity, can contribute fully, and have equal opportunities.

The purpose of this policy is:

- to identify the types of behaviour prohibited by this policy
- to provide procedures to follow when complaints of discrimination or harassment made by partners or employees of XYZ arise
- to ensure that all partners and employees of XYZ are aware that harassment and discrimination are unacceptable practices incompatible with our company standards, and a violation of the law

¹ "Code-based" harassment is a separate policy from "workplace sexual harassment" because the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1 sets out distinct requirements for reporting and investigating complaints of workplace harassment. An employer is therefore entitled to have a different (and perhaps less onerous) procedure for Code-based harassment.

- to ensure that all partners and employees of XYZ recognize that under the Rules of Professional Conduct (section 6.3.1-1), a licensee has a special responsibility to respect the requirements of human rights laws in Ontario and:

“to honour the obligation not to discriminate on the grounds in the Ontario Human Rights Code), with respect to professional employment of other lawyers, articulated students, or any other person or in professional dealings with other licensees or any other person.”

SCOPE:

This policy:

- applies at every level of XYZ, and extends to all partners, employees (including full-time, part-time, temporary, probationary, casual and contract staff) and students
- applies to every aspect of the employment relationship, including recruitment, selection, promotion, transfers, training, salaries, benefits, discipline and performance appraisals
- applies to the physical offices of XYZ
- extends outside of the offices of XYZ (such as off-site client meetings, business travel, firm-sanctioned social events and to electronic communications)

PROHIBITED CONDUCT:

XYZ upholds and supports the right to equal treatment without discrimination or harassment. Discrimination and harassment are prohibited by sections 5(1) and 5(2) of the *Human Rights Code* (“the Code”). This Policy prohibits discrimination or harassment on the basis of the following grounds, and any combination of these grounds:

- Age
- Creed (includes religion)
- Sex (including pregnancy and breastfeeding)*
- Gender Identity* and Gender Expression*
- Sexual Orientation*
- Family status (such as a parent-child relationship)
- Marital status (including the status of being married, single, widowed, divorced, separated, or living in a conjugal relationship outside of marriage, whether in a same sex or opposite sex relationship)
- Disability (including mental, physical, developmental or learning disabilities)
- Race
- Ancestry
- Place of origin

- Ethnic origin
- Citizenship
- Colour
- Record of offences (criminal conviction for a provincial offence, or for an offence for which a pardon has been received) (applies to employment only)
- Association or relationship with a person identified by one of the above grounds
- Perception that one of the above grounds applies.

*Note that harassment on these * grounds have distinct requirements under OHSA – see “Workplace Harassment Policy” below.

Anyone at XYZ found to have engaged in conduct constituting *Code*-based discrimination and/or harassment may be subject to disciplinary action, up to and including termination.

DEFINITIONS:

Discrimination and harassment are defined as:

Discrimination:

Refers to any form of unequal treatment based on a *Code* ground, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but have the effect of disadvantaging certain groups of people. Discrimination may take obvious forms, or it may occur in very subtle ways. In any case, even if there are many factors affecting a decision or action, if discrimination is one factor, that is a violation of this policy.

Harassment:

Section 10(1) of the *Human Rights Code* defines “harassment” as: **engaging in a course of vexatious comment or conduct that is known, or ought reasonably to be known, to be unwelcome**. It is directed at a person who identifies with the *Code* grounds listed above. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning, or unwelcome.

According to this definition of harassment, more than one event, or a “course of vexatious comment or conduct” must take place for there to be a violation of the *Code*. However, one incident could be significant or substantial enough to be interpreted as harassment. In fact, Rule 6.3-0 of the Rules of Professional Conduct explicitly state that “sexual harassment is **one incident or a series of incidents** involving unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature.”

One incident could be interpreted by an individual as having an impact that is substantial enough to create a “poisoned environment”. A key element of harassment is the way in which an individual “perceives” the harassing incident.

Therefore, even if the comment or conduct was not intended to be harassment, it may be considered harassment if it has had the effect of unreasonably interfering with the employee’s work performance or creating an intimidating, humiliating, hostile or offensive environment.

A few common examples of harassment may include, but are not limited to:

- Making remarks, jokes or innuendos related to a person’s race, disability, creed, age, or any other ground;
- Posting or circulating offensive pictures, graffiti or materials, whether in print or via e-mail or other electronic means;
- Singling out a person for humiliating or demeaning “teasing” or jokes because they are a member of a group protected under the *Human Rights Code*;
- Ridiculing a person because of characteristics that are related to a ground of discrimination. For example, this could include comments about a person’s dress, speech or other practices that may be related to their race, disability, or creed.

REPORTING WORKPLACE HARASSMENT

This section outlines reporting workplace harassment for *Human Rights Code*-Based Discrimination and/or Harassment (For Other Workplace Harassment, including Sexual Harassment, see “Workplace Harassment Policy” Below).

XYZ encourages the reporting of all incidents of harassment and discrimination, regardless of who the alleged offender(s) might be.

All employees have a right to freedom from reprisals or threat of reprisals for refusing to accept harassment in any form, for making a formal complaint or cooperating in an investigation.

1. How to Report Workplace Harassment:

Partners or employees can report incidents or complaints of *Code*-based discrimination and/or harassment verbally or in writing.

The report of the allegation(s) should include the following information:

- a) Name(s) of the person who has allegedly experienced *Code*-based discrimination and/or harassment and contact information
- b) Name of (any) alleged harasser(s), position and contact information (if known)
- c) Names of the witness(es) (if any) or other person(s) with relevant

- information to provide and contact information (if known)
- d) Details of what happened including date(s), frequency and location(s) of the alleged incident(s) a. Any supporting documents the person who complains of *Code*-based discrimination and/or harassment may have in his/her possession that are relevant to the complaint.
 - e) List any documents a witness or another person may have in their possession that are relevant to the complaint.

1. Who to Report Workplace Harassment To:

An incident or a complaint of workplace harassment should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.

Complainants are encouraged to report any incidents or complaints of *Code*-based discrimination and/or harassment to the **[designated person at the workplace*]**. If the **[designated person at the workplace*]** is the person engaging in the discrimination/ harassment, contact **[alternate designated person at the workplace*]**.

The **[designated person at the workplace*]** shall be notified of the workplace harassment incident or complaint so that they can ensure an investigation is conducted that is appropriate in the circumstances.

The **[designated person at the workplace*]** will be responsible for investigating the specific complaint promptly.

INVESTIGATING COMPLAINTS

1. Commitment to Investigate

XYZ will ensure that an investigation appropriate in the circumstances is conducted when any **[designated person at the workplace*]**, manager or supervisor receives a complaint of workplace harassment. Complaints or incidents of workplace harassment will be investigated in a fair, respectful and timely manner.

2. Who Will Investigate

The **[(perhaps higher level) designated person at the workplace*]** will determine who will conduct the investigation into the incident or complaint of workplace harassment. Depending on the allegations and the people involved, the investigation may be referred to an external investigator to conduct an impartial investigation.

3. Timing of the Investigation

The investigation must be completed in a timely manner, generally within 90 days or less, unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation.

4. Results of the Investigation

After an investigation is completed, the parties to a complaint may be informed in writing of the results of the investigation and any corrective action taken or will be taken by XYZ.

5. Confidentiality

Information about complaints and incidents shall remain confidential. Information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect employees, to investigate the complaint or incident or to take corrective action or otherwise as required by law.

(*In compliance with the *Occupational Health and Safety Act*, XYZ has separate policies with respect to:

- Workplace harassment (including workplace sexual harassment) (below);
- Workplace violence (below).

B. Workplace Harassment Policy (Including Sexual Harassment)

Effective Date:*

Revised Date:*

Reviewed By:*

References:

- *Human Rights Code*, R.S.O. 1990, c. H.19
- PART III.0.1 of the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1
- Section 6.3 of the Rules of Professional Conduct (“Sexual Harassment”)
- Section 6.3.1 of the Rules of Professional Conduct (“Discrimination”)
- Paralegal Rules of Conduct
- Section 33, Law Society Act, R.S.O. 1990, c. L.8
- Guide to developing human rights policies and procedures (OHRC, revised 2013)

PURPOSE:

XYZ is committed to providing an environment free of harassment, where all individuals are treated with respect and dignity, can contribute fully, and have equal opportunities.

The purpose of this policy is:

- To ensure that XYZ meets its obligations under the *Human Rights Code* (“the Code) and the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1 (OHSA) to prevent workplace harassment, including sexual harassment
- to ensure that all partners and employees of XYZ are aware that workplace harassment is unacceptable and incompatible with the standards of this organization, as well as being a violation of the law
- to set out the types of behaviour that may be considered offensive and that are prohibited by this policy
- to provide the procedure that will be followed to deal with complaints of workplace harassment made by partners or employees of XYZ

SCOPE:

This policy:

- applies at every level of XYZ, and extends to all partners, employees (including full-time, part-time, temporary, probationary, and casual and contract staff), and students
- applies to the physical offices of XYZ
- extends outside of the offices of XYZ (such as to off-site client meetings, business travel, and firm-sanctioned social events, and to electronic communications)

PROHIBITED CONDUCT

Workplace harassment will not be tolerated from any person in the workplace (including fellow employees or partners, clients, other employers, supervisors, and members of the public).

Anyone at XYZ found to have engaged in workplace harassment may be subject to disciplinary action, up to and including termination.

WHAT IS WORKPLACE HARASSMENT?

“Workplace harassment” is defined in the OHSAA as:

engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome or workplace sexual harassment.

“Workplace sexual harassment” is defined in OHSAA as:

- a. engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or*
- b. making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;*

Reasonable action taken by XYZ relating to the management and direction of partner or employees or the workplace is not workplace harassment.

REPORTING WORKPLACE HARASSMENT

1. How to Report Workplace Harassment:

Partners or employees can report incidents or complaints of workplace harassment verbally or in writing. When reporting verbally, the reporting contact, along with the person complaining of harassment, will fill out a complaint form.

The report of the incident should include the following information:

- a) Name(s) of the person who has allegedly experienced workplace harassment and contact information
- b) Name of the alleged harasser(s), position and contact information (if known)
- c) Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known)
- d) Details of what happened including date(s), frequency and location(s) of the alleged incident(s) a. Any supporting documents the person who complains of harassment may have in his/her possession that are relevant to the complaint.
- e) List any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint.

2. Who to Report Workplace Harassment To:

An incident or a complaint of workplace harassment should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.

Partners and employees are encouraged to report any incidents or complaints of workplace harassment to the **[designated person at the firm*]**. If the **[designated person at the firm*]** is the person engaging in the workplace harassment, contact **[alternate designated person at the firm*]**. (Note: The person designated as the reporting contact should not be under the direct control of the alleged harasser.)

The **[designated person at the firm*]** shall be notified of the workplace harassment incident or complaint so that they can ensure an investigation is conducted that is appropriate in the circumstances. Depending on the nature of the allegations and the people involved, an external person qualified to conduct a workplace harassment investigation who has knowledge of the relevant workplace harassment laws will be retained to conduct the investigation.

All incidents or complaints of workplace harassment shall be kept confidential except to the extent necessary to protect employees, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

INVESTIGATING COMPLAINTS

1. Commitment to Investigate

XYZ will ensure that an investigation appropriate in the circumstances is conducted when any **[designated person at the firm*]**, manager or supervisor becomes aware of an incident of workplace harassment or receives a complaint of workplace harassment. Complaints or incidents of workplace harassment will be investigated in a fair, respectful and timely manner.

2. Who Will Investigate

The **[(perhaps higher level) designated person at the firm*]** will determine who will conduct the investigation into the incident or complaint of workplace harassment. Depending on the allegations and the people involved, the investigation may be referred to an external investigator to conduct an impartial investigation.

3. Timing of the Investigation

The investigation must be completed in a timely manner and generally within 90 days or less unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation.

4. Investigation Process

The person conducting the investigation whether internal or external to the workplace will, at minimum, complete the following:

- a. The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
- b. The investigator must thoroughly interview the employee who allegedly experienced the workplace harassment and the alleged harasser(s), if the alleged harasser is an employee of the employer. If the alleged harasser is not a partner or an employee, the investigator should make reasonable efforts to interview the alleged harasser.
- c. The alleged harasser(s) must be given the opportunity to respond to the specific allegations raised by the complainant. In some circumstances, the person who allegedly experienced the workplace harassment should be given a reasonable opportunity to reply.

- d. The investigator must interview any relevant witnesses employed XYZ Firm who may be identified by either the employee who allegedly experienced the workplace harassment, the alleged harasser(s) or as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by XYZ Firm if there are any identified.
- e. The investigator must collect and review any relevant documents.
- f. The investigator must take appropriate notes and statements during interviews with the worker who allegedly experienced workplace harassment, the alleged harasser and any witnesses.
- g. The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the person who allegedly experienced the workplace harassment, the response from the alleged harasser, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether workplace harassment was found or not.

2. Results of the Investigation

Within 10 days of the investigation being completed, the employee or person who allegedly experienced the workplace harassment and the alleged harasser, if he or she is an employee of XYZ, will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by XYZ to address workplace harassment.

3. Confidentiality

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect employees, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is on-going, the person who has allegedly experienced harassment, the alleged harasser(s) and any witnesses should not to discuss the incident or complaint or the investigation with each other or other employees or witnesses unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

All records of the investigation will be kept confidential.

4. Handling Complaints

It may be necessary to take interim measures during the investigation, including having persons involved in the investigation to move workstations, or in the case of serious allegations, remain off work.

If the investigator(s) conclude that the harassment occurred, the harasser may be disciplined, up to and including termination of employment.

RECORD KEEPING

The **[designated person at the firm*]** will keep records of the investigation including:

- a) a copy of the complaint or details about the incident;
- b) a record of the investigation including notes;
- c) a copy of the investigation report (if any);
- d) a summary of the results of the investigation that was provided to the employee or partner who allegedly experienced the workplace harassment and the alleged harasser, if a partner or employee of the XYZ;
- e) a copy of any corrective action taken to address the complaint or incident of workplace harassment.

All records of the investigation will be kept confidential. The investigation documents, including this report should not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise as required by law.

Records will be kept for a minimum of one year after the conclusion of the investigation.

No one is to be penalized or disciplined for reporting an incident or for participating in an investigation involving workplace harassment.

ANNUAL TRAINING

Each year (at a minimum), XYZ will review this policy and provide training on this policy.

C. Accommodation Policy and Procedure

(For accommodation of employees or applicants for employment, see also “Policy Re: *Integrated Accessibility* under the *Accessibility for Ontarians with Disabilities Act*,” below)

Effective Date:*

Revised Date:*

Reviewed By:*

References:

Human Rights Code, R.S.O. 1990, c. H.19

Policy and guidelines on disability and the duty to accommodate (OHRC: revised 2009)

Integrated Accessibility Standards (O. Reg. 191/11) under the *Accessibility for Ontarians with Disabilities Act*, 2005, S.O. 2005, c. 11

“Working Together: The Code and the AODA”

Section 6.3.1 of the Rules of Professional Conduct (“Discrimination”)

Paralegal Rules of Conduct

Section 33, Law Society Act, R.S.O. 1990, c. L.8

Guide to developing human rights policies and procedures (OHRC, revised 2013)

PURPOSE:

XYZ commits to provide accommodation for needs related to the grounds of the *Ontario Human Rights Code*, unless to do so would cause undue hardship, as defined by the Ontario Human Rights Commission’s Policy on Disability and the Duty to Accommodate. *

The purpose of this Accommodation Policy and Procedure is to:

- Ensure that employees and partners at XYZ are aware of their rights and responsibilities under the *Ontario Human Rights Code* with respect to accommodation;
- Set out in writing the organization’s procedures for accommodation and the responsibilities of each of the parties to the accommodation process.

Accommodation will be provided in accordance with the principles of dignity, individualization, and inclusion. XYZ will work cooperatively, and in a spirit of respect, with all partners in the accommodation process.

SCOPE:

This policy applies at all stages and to all aspects of the employment relationship, including recruitment and selection, promotions and transfers, and conditions of work such as hours of work and leaves of absence.

PROCEDURE:

1. Requests for Accommodation

Requests for accommodation by staff, and families should be made to **[designated firm representative*]**.

Accommodation requests should, whenever possible, be made in writing. The accommodation request should indicate:

- The *Code* ground with respect to which accommodation is being requested
- The reason why accommodation is required, including enough information to confirm the existence of a need for accommodation
- The specific needs related to the *Code* ground

All accommodation requests will be taken seriously. No person will be penalized for making an accommodation request.

2. Provision of Information

The parties to the accommodation process must share information about accommodation needs and potential solutions. It may in some cases be necessary to obtain expert opinions or information in order to confirm the need for accommodation, or to determine appropriate accommodations.

Further information related to the accommodation request may be required, such as in the following circumstances:

- Where the accommodation request does not clearly indicate a need related to a *Code* ground
- Where further information related to the employee's limitations or restrictions is required in order to determine an appropriate accommodation
- Where there is a demonstrable objective reason to question the legitimacy of the person's request for accommodation

Where expert assistance is necessary in order to identify accommodation needs or potential solutions, the accommodation seeker is required to cooperate in obtaining that expert advice.

Failure to respond to such requests for information may delay the provision of accommodation.

The **[designated firm representative*]** will maintain information related to:

- The accommodation request
- Any documentation provided by the accommodation seeker or by experts
- Notes from any meetings
- Any accommodation alternatives explored
- Any accommodations provided

This information will be maintained in a secure location, separate from the accommodation seeker's file, and will be shared only with those persons who need the information.

3. Privacy and Confidentiality

XYZ will maintain the confidentiality of information related to an accommodation request, and will only disclose this information with the consent of the person seeking accommodation. Persons requesting accommodation will be asked only for information required to establish the foundation of the accommodation request, and to respond appropriately to the accommodation request.

4. Accommodation Planning

The **[designated firm representative*]**, the person requesting accommodation related to a *Code* ground and, where appropriate, and any necessary experts will work together cooperatively to develop an Accommodation Plan for the individual.

An Accommodation Plan may include the following:

- A statement of the accommodation seeker's relevant limitations and needs
- Arrangements for necessary assessments by experts or professionals
- Identification of the most appropriate accommodation short of undue hardship
- Clear timelines for the provision of identified accommodations
- Criteria for determining the success of the accommodation plan, together with a mechanism for review and re-assessment of the accommodation plan as necessary
- An accountability mechanism

5. Appropriate Accommodations

Accommodation may take many forms, depending on the applicable Code ground. What works for one individual may not work for another. Each person's situation must be individually assessed. In each case, the organization must implement the most appropriate accommodation, short of undue hardship. An accommodation will be appropriate where it results in equal opportunity to attain the same level of performance or to enjoy the same level of benefits and privileges experienced by others, and where it respects the principles of dignity, inclusion, and individualization.

The aim of accommodation is to remove barriers and ensure equality. Accommodations will be developed on an individualized basis. Appropriate accommodations may include:

- Modification of dress code (eg. due to creed)
- Leaves of absence (eg. for religious observance, pregnancy, disability, or family status)
- Changes to scheduling or hours of work (eg. due to pregnancy, creed, or family status)

This list is not exhaustive.

6. Undue Hardship

Accommodation will be provided to the point of undue hardship. A determination regarding undue hardship will be based on an assessment of costs, outside sources of funding, and health and safety. It will be based on objective evidence.

A determination that an accommodation will create undue hardship may only be made by the **[*designated firm representative]**.

Where a determination is made that an accommodation would create undue hardship, the person requesting accommodation will be given written notice, including the reasons for the decision and the objective evidence relied upon.

D. Integrated Accessibility Standards Policy under the Accessibility for Ontarians with Disabilities Act

Effective Date:*

Revised Date:*

Reviewed By:*

References:

Integrated Accessibility Standards (O. Reg. 191/11) under the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11
“Working Together: The Code and the AODA”

PURPOSE:

The purpose of this policy is to:

- Ensure that employees, partners and applicants for employment at XYZ are aware of their rights and responsibilities under the *Integrated Accessibility Standards* (O. Reg. 191/11);
- Set out in writing the organization’s procedures for accommodation and the responsibilities of each of the parties to the accommodation process.

Integrated Accessibility Standards have been developed to break down barriers and increase accessibility for persons with disabilities in the area of employment (among other areas).

Under Section 1 of the *Integrated Accessibility Standards*, the requirements set out in this regulation are not a replacement or a substitution for the requirements established under the *Human Rights Code* nor do the standards limit any obligations owed to persons with disabilities under any other legislation.

ACCESSIBILITY PLAN

XYZ will develop, maintain and document an Accessibility Plan outlining XYZ’s strategy to prevent and remove barriers from its workplace and to improve opportunities for persons with disabilities. The Accessibility Plan will be reviewed and updated at least once every five years and will be posted on XYZ’s website. Upon request, XYZ will provide a copy of the Accessibility Plan in an accessible format.

TRAINING EMPLOYEES AND VOLUNTEERS

XYZ will ensure that training is provided on the requirements of the accessibility standards referred to in the Regulation and continue to provide training on the *Human Rights Code* as it pertains to persons with disabilities. The training will be appropriate to the duties of the employees, volunteers and other representatives of XYZ.

Employees and volunteers will be trained when changes are made to the accessibility policy. New employees and volunteers will be trained when hired.

INFORMATION AND COMMUNICATION

Feedback

XYZ will ensure that its processes for receiving and responding to feedback are accessible to persons with disabilities by providing or arranging for the provision of accessible formats and with communication supports upon request. XYZ will notify guests about the availability of accessible formats and communication supports.

Accessible Formats and Communication Supports

XYZ will, upon request, provide or arrange for accessible formats and communication supports for persons with disabilities as follows:

- in a timely manner that takes into account the person's accessibility needs due to a disability
- at a cost that is no more than the regular cost charged to other persons
- by consulting with the person making the request and determine suitability of an accessible format or communication support
- By notifying the public about the availability of accessible formats and communication supports

EMPLOYMENT STANDARDS

Recruitment

XYZ will notify employees and the public about the availability of accommodations for applicants and employees with disabilities as follows:

In its recruitment processes:

- During the recruitment process, when job applicants are individually selected to participate in an assessment or selection process

- If a selected applicant requests an accommodation, XYZ will consult with the applicant and provide or arrange for the provision of a suitable accommodation in a manner that takes into account the applicant's accessibility needs due to disability
- When making offers of employment to a successful applicant

WORKPLACE EMERGENCY RESPONSE INFORMATION

XYZ shall provide individualized workplace emergency response information to employees who have a disability in accordance with the following elements:

- If the disability is such that the individualized information is necessary and the employer is aware of the need for accommodation due to the employee's disability.
- If the employee who receives an individual workplace emergency response information requires assistance, and with the employee's consent, XYZ shall provide the workplace emergency information to the person designated by XYZ to provide assistance to the employee.
- As soon as practicable after becoming aware of the need for accommodation due to the employee's disability.
- Review the individualized workplace emergency response information when the employee moves to a different location in the organization, when overall accommodations needs or plans are reviewed, and when XYZ reviews its general emergency response policies.

DOCUMENTED INDIVIDUAL ACCOMMODATION PLANS (IAP)

XYZ will develop and have in place a written process for developing a documented individual accommodation plan for employees with a disability. The process will include the following elements:

- The manner in which an employee requesting accommodation can participate in the development of the individual accommodation plan
- The means by which the employee is assessed on an individual basis
- The manner in which the employer can request an evaluation by an outside medical or other expert, at the employer's expense, to assist the employer in determining if accommodation can be achieved and, if so, how accommodation can be achieved
- The steps taken to protect the privacy of the employee's personal information
- The frequency with which the individual accommodation plan will be reviewed and updated and the manner in which it will be done
- If an individual accommodation plan is denied, the manner in which the reasons

for the denial will be provided to the employee.

- The means of providing the individual accommodation plan in a format that takes into account the employee's accessibility needs due to disability.

RETURN-TO-WORK PROCESSES

XYZ will have in place a return-to-work process for employees who have been absent from work due to a disability and require disability-related accommodation in order to return to work. Such processes shall be documented and must outline the steps that the XYZ will take to facilitate the return to work and include an individual accommodation plan.

PERFORMANCE MANAGEMENT, CAREER DEVELOPMENT AND ADVANCEMENT AND REDEPLOYMENT

XYZ will take into account the accommodation needs and/or individual accommodation plans of employees when:

- using performance management processes
- providing career development and advancement information
- using redeployment procedures.

E. Workplace Violence Policy

Effective Date:*

Revised Date:*

Reviewed By:*

References:

PART III.0.1 of the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1

PURPOSE:

To ensure that XYZ meets its obligations under OHSA to provide and maintain a safe and healthy work environment; ensure that employees understand their obligations and rights under this policy.

We will not tolerate any threats or acts of violence towards any of our employees, whether it is from another employee, member, guest, or any other person.

SCOPE:

XYZ believes in the prevention of violence and promotes a violence-free workplace in which all employees respect one another and work together to achieve common goals. Any act of violence committed is unacceptable conduct that will not be tolerated.

In developing this policy, XYZ has reviewed the circumstances common to similar workplaces and circumstances specific to XYZ which may cause or contribute to incidents of workplace violence. In particular, we have considered the nature of the workplace, the type of work performed and the conditions of work.

WORKPLACE VIOLENCE DEFINED:

OHSA defines workplace violence as “the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker.”

Examples include:

- threatening behavior - such as shaking fists, destroying property or throwing objects
- verbal or written threats - any expression of an intent to inflict harm
- harassment - any behavior that demeans, embarrasses, humiliates, annoys, alarms or verbally abuses a person and that is known or would be expected

to be unwelcome. This includes words, gestures, intimidation, bullying, or other inappropriate activities

- verbal abuse - swearing, insults or condescending language
- physical attacks - hitting, shoving, pushing or kicking
- Other acts of physical aggression, such as the deliberate destruction of, or damage to, property, especially where such actions are meant to intimidate one or more individuals
- swearing, verbal abuse, pranks, arguments, property damage, vandalism, sabotage, pushing, theft, physical assaults, psychological trauma, anger-related incidents, rape, arson and murder are all examples of workplace violence

COMPLAINTS

Complaints of workplace violence shall be promptly investigated and documented. If you witness or are a victim of violence in this workplace, please inform **[designated person at the workplace*]** immediately.

To ensure the benefits of this policy are realized by everyone, all partners and employees must cooperate in the investigation of any complaints of workplace violence.

All documents, including the content of complaints, meetings, interviews and recommendations shall be treated in strict confidence to the extent permitted by law.

1. Complaint Procedure for the Complainant

The complainant is encouraged to report incidents or threats of workplace violence to **[designated person at the firm*]**.

2. Complaint Procedure for XYZ

The **[designated person at the workplace*]** will advise both the complainant and the individual implicated in the complaint that an investigation has begun. The **[designated person at the workplace*]** may also recommend, where deemed appropriate, interim action.

All reports of violent incidents shall be investigated promptly by the **[designated person at the workplace*]**

The complaint/incident may also be investigated with assistance of the Joint Health and Safety Committee **[*where one exists]**.

The **[designated person at the firm*]** will summarize their findings and reach a recommendation for decision and final approval by **[alternate designated person at the workplace*]**.

Written results of the investigation and a recommended course of action will then be presented to the complainant and individual implicated.

In all matters the Joint Health and Safety Committee [***where one exists**] will be given a written report of the incident, investigation, and findings.

RESPONSIBILITIES OF EMPLOYEES/ PARTNERS of XYZ:

It is the responsibility of each employee to:

- Treat everyone in the workplace with dignity and in a manner that is respectful and free of violence, threats, or intimidation
- Make changes to their own behaviour where they become aware that there is a potential for such behaviour to harm, intimidate, or threaten
- Attend workplace violence training sessions held by XYZ
- Should an employee/ partner be aware of, or become aware of a problem that could result in violence or threats of violence within the workplace, he/she is responsible for reporting that problem to [**designated person***] immediately
- Cooperate in the investigation of any violent incident

RESPONSIBILITIES OF XYZ:

It is the responsibility of management to:

- Assess and reduce risks of violence in the workplace
- Train employees to recognize risks of violence
- Respond promptly to reports of violent activity
- Follow the procedures outlined herein when receiving a report
- Report and document incidents in accordance with the procedures set out in OHSA
- Ensure proper medical care is available when needed
- Cooperate with investigations

ANNUAL TRAINING:

Each year (at a minimum), XYZ will review this policy and provide training on this policy.

F. Policy on Enhancing Diversity and Inclusion in Recruitment, Retention and Advancement

Effective Date:*

Revised Date:*

Reviewed By:*

References:

Human Rights Code, R.S.O. 1990, c. H.19

Integrated Accessibility Standards (O. Reg. 191/11) under the *Accessibility for Ontarians with Disabilities Act*, 2005, S.O. 2005, c. 11

“Best Practices Standards for the Recruitment, Retention, Development, and Advancement of Racial/Ethnic Minority Attorneys” (New York City Bar, Minorities in the Profession Committee, April 1, 2008)

[Canadian Bar Association](#)’s “Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations (2007)”

NOTE:

This Policy must be read and interpreted in conjunction with the following policies of XYZ Legal Firm:

- A. Policy on Human Rights Code-Based Discrimination & Harassment
- B. Workplace Harassment Policy (Including Sexual Harassment)
- C. Accommodation Policy and Procedure
- D. Integrated Accessibility Standards Policy under the *Accessibility for Ontarians with Disabilities Act*
- E. Workplace Violence Policy

PURPOSE:

The purpose of this Policy is to set out XYZ’s commitment to, and strategy for, establishing and maintaining a diverse and inclusive workplace, particularly for those who have been historically excluded from, and under-represented in, the practice of law.

Those historically excluded, and under-represented in, the practice of law, include individuals who are identified by grounds under human rights legislation, such as: Indigenous peoples; people with disabilities; individuals from racialized groups; people

of diverse faiths and creeds; people with diverse gender identities or expressions which could include those who identify as trans, intersex, non-binary, bigender, polygender, agender, demigender, gender fluid, gender non-conforming, gender variant, genderqueer or two-spirited; people with diverse sexual orientations which could include those who identify as lesbian, gay, bisexual, pansexual, polysexual, asexual, demisexual, queer, questioning or two-spirited; and women.

SCOPE:

This policy applies:

- at all stages and to all aspects of the employment cycle (recruitment, retention, advancement);
- to all partners and employees, for all roles and positions at XYZ..

LEADERSHIP COMMITMENT TO DIVERSITY AND INCLUSION:

We commit to developing, implementing, and maintaining best practices and strategies to enhance equality, diversity and inclusion at XYZ. We make this commitment at all stages of the employment life cycle: recruitment, retention and advancement.

The senior leadership at XYZ will demonstrate their commitment to promoting and advancing diversity and inclusion by:

- Establishing and maintaining a **Diversity Committee** comprised of management/executive - level employees or partners. The committee will oversee diversity and inclusion efforts at all levels, and ensure that diversity and inclusion is integrated into all initiatives and aspects of XYZ.
- Dedicating **adequate resources (in budget and staffing)** to meet our diversity and inclusion goals.
- Encouraging **diversity and inclusion education/training** on: discrimination and harassment; “unconscious bias,” stereotyping, and the impact on performance perceptions.
- Ensuring that **human resources staff has sufficient training and expertise** in human rights legislation, and diversity and inclusion strategies. If there is no internal staff at XYZ, an external expert may be retained to assist with achieving our diversity and inclusion goals.
- **Measuring and tracking** recruitment, retention and advancement demographics (at least annually), to ensure that diversity and inclusion efforts are resulting in the desired, positive changes.

1. RECRUITMENT

Recruitment is the process of discovering, attracting and hiring an individual for a job position. In order to achieve our goal of enhancing diversity and inclusion at XYZ some or all of the following strategies in the recruitment process will be implemented:

Promotional materials – our commitment to diversity and inclusion will be set out in our recruitment and promotional materials (eg. job notices, website, formal and informal verbal or written communications with candidates).

Legal education institutions – we will work with law schools and paralegal education institutions to promote opportunities for candidates from diverse communities.

Goal setting – we will set equity and diversity recruitment goals when hiring.

Diverse community networks – we will:

- establish and maintain connections with legal associations formed by lawyers and paralegals from diverse communities, eg. LEAF, Canadian Association of Black Lawyers, Reach Canada, Indigenous Bar Association, South Asian Lawyers Network;
- establish and maintain both formal and informal networks with diverse communities;
- request referrals from other members of historically underrepresented groups;
- advertise and recruit “creatively” – beyond the typical channels through which recruiting is traditionally done. Seek advice as to the ways to attract applications from diverse communities.

Interviewing – we will:

- involve employees from diverse communities in the recruitment and interview processes;
- provide “unconscious biased training” for those involved in the recruitment process to ensure that hiring is as fair and objective as possible.

2. RETENTION

Retention refers to the ability of an organization to retain its employees. A number of factors contribute to employee retention, such as career development, opportunity, satisfaction, rewards, and recognition.

To achieve our goal of enhancing diversity and inclusion at XYZ, some or all of the following strategies with respect to retention will be implemented:

Reasonable accommodations – we will:

- grant and respect accommodation requests for: e.g. family responsibilities, physical accessibility for disabilities, diverse days of religious significance;
- accommodate alternate work arrangements and family responsibilities including child care and elder care.

Mentoring – we will:

- ensure that senior partners/ managers will mentor employees from diverse communities, and those historically under-represented in the legal profession;
- encourage employees from diverse communities, and those historically under-represented in the legal profession to act as mentors;
 - recommend and leverage mentoring programs
 - Coach and Advisor Network
 - Articling Mentorship Initiative
 - The Advocates Society
 - South Asian Bar Association of Toronto
 - Canadian Association of Black Lawyers
 - Women's Law Association Of Ontario
 - Ontario Trial Lawyers Association
 - OTLA Guide to Mentoring (PDF)
 - Ontario Bar Association Mentorship Program

Performance Management – we will:

- develop clear, written and communicated performance management policies;
- ensure that performance reviews are conducted regularly on a set-schedule, as well as on an as-needed basis;
- mandate training and education on an overt bias, as well as “unconscious bias,” training for those who conduct performance reviews.

Quality of work – we will ensure that lawyers and paralegals from diverse communities have access to a range of legal work, with a variety of clients and colleagues.

Client development – we will:

- support activities that target non-traditional sources of clients from within diverse communities;
- ensure licensees from diverse communities are involved in client development activities, including events to retain current clients;
- meaningfully support/defend lawyers and paralegals who experience disrespectful and discriminatory treatment from clients.

Survey – we will:

- survey our employees and partners about our diversity and inclusion efforts, and about any personal experiences of discrimination and/or harassment at XYZ;
- conduct exit interviews of employees and partners, and ask whether any overt or subtle forms of discrimination played a role in their decision to leave.

3. ADVANCEMENT:

Advancement is the upward trajectory of an individual's career and **typically means getting promoted or being assigned more responsibilities by an employer**. To achieve our goal of enhancing diversity and inclusion at XYZ, some or all of the following strategies with respect to advancement will be implemented:

(**Note:** the strategies set out above in “2. Retention” are also applicable to this section.)

Clear criteria – we will:

- develop clear, written and communicated criteria to evaluate candidates for partnership or senior management positions;
- communicate the expectations and time frame for becoming a partner or senior manager;
- ensure that regular, documented performance reviews are considered in advancement decisions.

Leadership – we will:

- have a diverse group of partners/ employees serve on our leadership team, and as chairs of practice groups and client service teams;
- ensure that those in decision-making roles for promotions and advancement have had adequate diversity and inclusion education/training.
- Ensure that proper training has been provided on how to evaluate candidates for promotion and that the criteria is being applied consistently

Promotions – we will:

- provide opportunities to promote partners/ employees from groups historically under-represented in the legal profession.