Preamble

Identifying and upholding human rights, as it relates to employment, is strongly linked to how an organization demonstrates two key values:

1. Commitment to human rights in the workplace, and;
2. Respect and dignity for individuals managing a life threatening, chronic and/or episodic disability.

When implementing human rights in the workplace, it is important to be aware that the steps taken at your organization will extend beyond policy and procedures development. Policy development is a first step, policy implementation and how you bring the policy to life in your workplace is the next step.

Employers are responsible for dealing effectively, quickly and fairly with situations involving claims of harassment and/or discrimination (which includes failure to accommodate employees needs). Employers could be held liable by a court or a human rights tribunal if they or responsible staff members do not act to end discrimination or harassment at their workplaces.

We have been asked by workshop participants to identify some practical steps that can be taken in the workplace to implement policies and uphold human rights. The following suggestions have been compiled from the feedback and recommendations we have received from individuals and organizations that have attended ICAD focus groups and the workshops held across Canada over the past year. It also incorporates human resources recommended practices.

For further information please refer to: www.icad-cisd.com, or contact your local Human Rights office.

Introduction

An organization’s philosophy on human rights is reflected in both the workplace core values that have been established as well as in the policies and procedures that are developed and implemented. In order to increase awareness about human rights and non-discriminatory business practices, discussions should take place at all levels of the organization including, senior managers, supervisors, and all staff.

Discussions about human rights with respect to employment and policy development may be driven by a number of factors and may include for example:

• Personal connection/experience with the issues
• Identifying and upholding human rights as a key organizational value
• Recruitment and retention
• Risk management and liability issues

This is one in a series of information sheets addressing HIV/AIDS as an episodic disability in the workplace.

1. Benchmarking Organizational Policy Development and Implementation
2. A Rights Based Approach to Workplace Policy Development
3. HIV/AIDS and Human Rights in the Workplace
4. Discriminatory Business Practices
5. Privacy Protection in the Workplace
6. Employment Standards in the Workplace
7. Case Study
8. Practical Steps for Implementing Policies and Procedures
9. HIV/AIDS and the Duty to Accommodate
10. Examples of Successful Job Accommodation
11. How to Use the Policy Template Package
12. Policy Template
13. Frequently Asked Questions
Policy Development and Implementation

There are a number of factors that should be taken into consideration when developing and implementing policies in the workplace. ICAD’s policy package and sample policy template explain in detail how an organization can take a rights-based approach to policy development. To locate this resource information please refer to our website at www.icad-cisd.com.

The policy development stage is an opportunity to think about and/or discuss a number of factors related to policy implementation and the impact this will have at your organization. Policy implementation refers to how an organization achieves a successful introduction to the policies it has developed and the practical application or practices that follow.

The first section in this resource document provides some considerations about the policy development stage. The second section provides practical steps for policy implementation and upholding human rights in the workplace.

Section 1: Fundamental Policy Development Considerations

- Policy development should be tailored to respond to the organizational culture, operational requirements and available human and financial resources.
- Recruitment and retention of staff is linked directly to organizational policies, procedures and practices.
- When developing policies for HIV/AIDS and/or other episodic, life threatening or chronic illnesses, it provides an opportunity to identify, cross-reference and promote other relevant policies. These may include, but are not limited to:
  - Privacy and confidentiality
  - Non-discrimination
  - Anti-harassment

Section 2: Policy Implementation

2.1 Organizational Considerations

When implementing policy and procedures there are a number of considerations including the following:

- Visible support for the policy should be evident from the Board of Directors, Executive Director, Senior Management Group or others as applicable.
- Core values that include a statement regarding human rights in the workplace should be identified.
- All employees should be concerned with developing a human rights culture in the workplace (Definition: A workplace environment where human rights and responsibilities are promoted and respected and
where employees are free from concerns related to basic equity issues).

- All managers should be aware of their duties and responsibilities under human rights law and the related organizational policy.

- Employees responsible for advice, policy adjudication and/or complaint resolution should receive specialized training.

- Plain language should be used for policy implementation information.

- All employees should have a copy of the policy or know where to access it for review. Employees should not be placed in the position of having to ask someone for the policy.

- Employees should sign off that they have received and reviewed the policy and agree to be bound by it. (Provide the acknowledgement form at the time of hiring or, at the latest, as part of the orientation process).

- The number of paper copies of the policy should be reduced/limited to avoid out-dated material from remaining in circulation.

- Policies and procedures should be posted onto the shared intranet or other information sharing mechanisms that are available.

- The policy should be communicated and promoted effectively and consistently.

- The policy should be discussed at staff meetings, department meetings and other meetings as applicable.

- The policy should be discussed with various committees as well as at the board as applicable (for example: health and safety committee, diversity and equity committee, personnel committee).

- All employees must be informed when the policy is up-dated to ensure that they understand the revisions, have an opportunity for questions and answers, sign off by acknowledging receipt and agree to be bound by the revised policy.

- The collective agreement and any revisions should be provided to all employees.

- The organization should plan to evaluate and measure the policy every two years reviewing the level of use, effectiveness, absenteeism rates, accessibility, privacy and confidentiality, perceptions and trust etc.

- The organizational financial bottom line should be considered in combination with the human costs involved. Successful and supportive organizations understand the needs of the employee and the employer and how these can best be addressed for the benefit of all concerned.

- The organization should ensure respect and dignity in the workplace in order to make it a safe environment for employees to come forward to ask any questions they may have.

2.2 Privacy and Confidentiality

A key consideration for policy implementation is privacy and confidentiality. For example:

- Confidentiality and privacy is a priority at all times.

- Request that employees (especially those handling sensitive information) sign a confidentiality agreement.

- Identify one person responsible as the medical contact for the organization. For example, this contact may handle enquiries and/or information about the policy, accommodation in the workplace, discussions about next steps and insurance claims.

- Consider whether that same person should be responsible for policy enquiries and/or complaints or if this responsibility should be broader and/or handled in a working group. Regardless of the approach taken, consistency is key. Note: Identifying one person will also ensure that an organizational history is established and it builds the capacity for the organization to respond to future policy enquiries.
• Insurance forms should be available/accessible with contact numbers/coordinates for enquiries.

• If desired, insurance claims may be processed directly between the employee and the insurance provider.

• Conduct a privacy audit (please refer to the ICAD website for further information and checklist).

• Develop and make available templates for an employee wishing to request accommodation and/or make an enquiry.

• Develop and make available templates or checklists for supervisors/managers responsible for meeting with the employee to discuss accommodation requirements.

• Conduct staff surveys to identify any areas/issues of concern and to measure changes in attitude and knowledge.

• Disciplinary action must be specified and taken seriously if confidentiality or privacy protection is not adhered to.

2.3 Training and Education

Education is an important part of preventing discrimination and/or harassment in the workplace. Training programs for all employees ensure that everyone knows the rules and how they will be applied. It also ensures consistency and equal treatment and will reduce the potential for discriminatory business practices.

All those responsible for enforcing or advising on workplace human rights policies or procedures should be knowledgeable about the policies. Basic steps to achieve this include:

• Providing up-to-date information about human rights issues and important court decisions or human rights tribunal decisions in human rights law;

• Ensure that all staff are trained in dealing with discrimination and/or harassment in the workplace;

• Measure the effectiveness of policies and procedures and make any necessary changes;

• Respond immediately to claims of discrimination or harassment.

2.3.1. Practical Steps for Training and Education

• Trainers should be trained themselves and up-to-date on human rights and employment legislation.

• Training should be on-going to provide information about any changes in human rights and/or employment legislation.

• Needs assessment should be carried out to identify priority education areas.

• All employees should be aware of organizational policies and how human rights apply.

• Orientation material for new employees should include a policy and procedures component.

• Employees should receive training and education on disability awareness and management.

• Case studies, role-plays and videos should be used as effective education tools.

• A participatory approach to training should be used as an effective model.

• Training can provide opportunities for professional development. For example, request a volunteer to be responsible for coordinating and/or designing/delivering an information workshop related to HIV/AIDS and the workplace.

• Establish and promote links with service organizations for disability awareness (statistics, lunch and learn series, information web/links available, information on different illnesses).

• Fact-sheets should be developed and made available at specified times throughout the year highlighting rights and responsibilities, procedures, employment standards and human rights.
Specific training for accommodation in the workplace should be provided including; guidelines, respective rights and responsibilities, procedures to request, assessing various options, developing an accommodation plan, documenting the process and monitoring and evaluation.

Invite an AIDS Service Organization to present a workshop or provide a talk.

Policy training & education should focus on establishing a safe and supportive environment in which employees can be confident in coming forward to discuss and/or ask any questions.

A training manual should be developed for all employees.

If applicable, consider a presentation from an insurance company about the disability component of the benefits package with a question and answer session.

2.4 Accessing Human Rights Information

Information should be openly available for employees who wish to research human rights in the workplace. It is recommended to have a complaint process and organizational dispute resolution process in place. This information should be provided in the human resources policy manual and may include but is not limited to:

- Overview of the complaint process
- Investigation
- Protection from reprisal
- Complaint resolution

In addition, information about the local human rights office should also be available, including but not limited to:

- Contact details for the local Human Rights office
- Services provided
- How to access information

A number of other steps can be taken to encourage a culture of human rights in the workplace. For example:

- Invite a representative from the Human Rights office to provide an in-house education session.
- Encourage employees to seek out further information with either an employment lawyer and/or the human rights commission on specific topics of interest.
- Permit an employee to work with an employment advocate when discussing employment related issues, challenges, and/or making accommodation related decisions.

For further information please contact Rosemary Forbes, Program Manager, ICAD, (613) 233-7440 ext. 14 or visit our web-site at www.icad-cisd.com.