

National Risk Management Policies for Staff and Volunteers

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1. General Provisions

1.1 Purpose

The purpose of the following risk-management policies is to protect the reputation of the John Howard Society of Canada by ensuring that practices are lawful, ethical and consistent and to facilitate obtaining appropriate levels of liability insurance coverage.

1.2 Application

The policies apply to all staff and volunteers, as appropriate.

1.3 Exceptions

1.3.1 Other obligations

It is recognized that laws, government regulations, contracts or collective agreements may require provisions that deviate from this policy.

2. Privacy

2.1 Purpose

The purpose of this policy document is to set out mechanisms that are intended to ensure compliance with the provisions of the Personal Information Protection and Electronic Documents (PIPEDA) or such equivalent provincial legislation that is in effect.

2.2 Accountability

The executive director of the Licencee shall designate the 'Chief Privacy Officer' and shall be responsible for ensuring that the Licencee complies with the provisions of the Act.

2.3 Purpose of Keeping Records

Personal information about the public may be collected and maintained that is considered necessary for fundraising purposes. This information shall consist of name, address, email address and telephone numbers as well as gift history and correspondence. Retained information shall not be used except for the purpose of new fundraising solicitations and related administration such as receipt issuing and responses to queries from donors.

2.4 Limiting Collection

The collection of personal information shall be limited to that which is necessary for the purposes identified by the organization. Information shall be collected by fair and lawful means.

2.5 Consent

Information obtained from donors in response to solicitations implies that consent is given for further solicitations and will be kept and used only for that purpose. Names and addresses may be traded through brokers with other charities in order to obtain acquisition lists unless the donor has requested otherwise. The licencee shall respect any requests from donors regarding the frequency of solicitations. Any other purpose requires that consent is given by the donor.

2.6 Limiting Use, Disclosure, and Retention

Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or

as required by law. Personal information shall be retained only as long as necessary for the fulfilment of those purposes.

2.7 Accuracy

Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.

2.8 Safeguards

Computerized records and database access shall be protected by passwords. Fundraising coupons and receipts shall be kept in a locked filing cabinet or room when the office is closed.

2.9 Destruction of records

Records and information shall be retained as required by applicable legislation and then destroyed. Credit card information shall not be retained beyond the period required to complete the transaction(s).

2.10 Openness

The Licencee shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.

2.11 Individual Access

Upon request, an individual shall be informed of the existence, use, and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to request changes to the information and have it amended as appropriate.

2.12 Challenging Compliance

An individual shall be able to address concerns regarding compliance with the above principles to the Chief Privacy officer and, if not satisfied with the response, to the Board of Directors through the President of the board.

3. Confidentiality

3.1 Purpose

To protect the confidentiality rights of those receiving services from JHS.

3.2 Accountability

The executive director of the Licensee shall ensure that confidentiality policies are understood and followed by all staff and volunteers providing services on behalf of the Licensee.

3.3 Need to know

All information that is provided to employees as a result of providing services to clients shall not be disclosed beyond those staff and volunteers who have a need to know the information for clinical supervision and case management purpose, in aggregate form for evaluative or statistical purposes, in the case of periodic service or file evaluation by a Program Manager or a case review team or for the purposes of this policy.

3.4 Recording of information

Confidential information may only be recorded by staff or volunteers when it relates directly to and is necessary for the service being provided.

3.5 Security

Recorded information shall be kept in a locked location or filing cabinet during hours that the office is not supervised. Computer files shall be protected by password.

3.6 Third-party information

Information received about individuals who are not clients shall not be recorded except where that information is relevant to the services being provided to a client. Identifying information shall only be recorded when necessary. No third-party information shall be disclosed that is not permitted in the Exception for Disclosure section of this policy.

3.7 Exceptions for disclosure

Disclosure of information about a client or to confirm knowledge of a client shall be declined unless:

- a) disclosure is required by law,
- b) when there is a reasonable apprehension of danger to the public or to the person being served.

- c) a contractual agreement exists with a government body that requires such disclosure, or
- d) with the consent of the client, or
- e) where, because of the actions or statements of the client, disclosure is necessary to address serious issues of public confidence in the work or operation of the Licencee. Only the minimum information necessary to address the situation may be disclosed.

3.8 Client advisory

- A On intake, persons being served will be advised of the provisions of the confidentiality provisions of this policy. A copy of the policy shall be provided on request.

3.9 Request for disclosure

- A When clients request disclosure, the staff or volunteer may disclose only such information and duration of time that the client specifies and only when they are confident that the person is able to give free and informed consent in writing and is not a minor.

3.10 Not able to give Informed Consent

If the person requesting disclosure is a person who is known to be legally or otherwise incapable of providing informed written consent, such consent shall be obtained from his/her parent or legal guardian.

3.11 No obligation to disclose

Informed consent to disclose information does not obligate the staff person or volunteer to disclose that information.

4. Screening, Placement and Supervision of Staff and Volunteers

4.1 Purpose

To ensure the best quality of service and to protect the reputation of the JHS through appropriate staff and volunteer selection, placement and supervision of those who are qualified and appropriate for the positions they hold with JHS.

4.2 Job Description

Each staff and volunteer position shall have a current job description that sets out the tasks and expectations of the position, and the minimum qualifications for those holding the position.

4.3 Screening

Each person being considered for placement as a volunteer or staff person will be screened according to suitability and qualifications including the following:

- a) at least two references will be contacted to confirm the personal suitability of the candidate for the position being considered;
- b) relevant academic and other educational qualifications shall be confirmed;
- c) each prospective candidate will provide the JHS a copy of their criminal records check.

4.4 Criminal Record

The presence of a criminal record will not alone preclude employment and will be investigated to determine the circumstances and the relevance of the convictions for the position being considered in accordance with any applicable legislation.

4.5 Supervision

All staff and volunteers will have their performance reviewed on a regular basis by their supervisor. The performance review shall be summarized in writing and kept in a secure personnel file. The performance review shall:

- a) Review the performance and suitability of the person for the position they hold;
- b) identify learning needs;
- c) record cautions or warnings, if any; and
- d) revise the job description as necessary and appropriate.

4.6 Confidentiality of Documents

Personnel documents are confidential and shall be kept in a locked cabinet or room and access to the documents shall be limited to the immediate supervisor, the Executive Director and those designated by the ED on a need to know basis.

5. Standards of Conduct - Employees

5.1 Purpose

To ensure high standards of conduct for employees of the John Howard Society.

5.2 General Responsibilities

5.2.1 Management

The Management of the Licensee is responsible for:

- a) ensuring that all employees are adequately trained and informed of the policies contained herein; and
- b) promptly and impartially taking appropriate corrective action when necessary.

5.2.2 Employees

All employees of the Licensee are responsible for:

- a) adhering to the Standards of Professional Conduct.
- b) being conversant with, and adhering to the various Acts, Regulations and policies affecting employees of the JHS.

5.3 Responsible Discharge of Duties

Staff shall conduct themselves in a manner which reflects positively on the JHS by working co-operatively to achieve the objectives of the JHS. Staff shall fulfil their duties in a diligent and competent manner with due regard for the values and principles contained in the Core Values of the JHS, as well as in accordance with policies and procedures laid out in legislation, policies, manuals and other official documents of the Licensee. Staff have an obligation to follow the instructions of supervisors and are required to treat the clientele, the public, other staff and volunteers in a professional manner, with courtesy and promptness.

5.3.1 Infractions

An employee has committed an infraction, if he or she:

- a) makes public statements which undermine the John Howard Society concerning policies, practices and/or programs of the JHS;
- b) fails to take action or otherwise neglects their duties;
- c) wilfully or negligently causes unjustified waste, loss, or damage to any property of the John Howard Society or the property of any other person in the course of the performance of their duties;

- d) wilfully or through negligence, makes or signs a false statement in relation to the performance of their duties;
- e) condones or fails to take action when any person has committed an infraction of the Standards of Conduct; or
- f) performs his or her duty in a careless fashion so as to risk serious harm to any other person.

5.4 Conduct and Appearance

Behaviour and appearance, both on and off working hours, shall not reflect negatively on JHS

5.4.1 Infractions

An employee has committed an infraction, if he or she:

- a) displays appearance and/or deportment which is unbecoming to an employee of the John Howard Society while on duty;
- b) is abusive or discourteous by word or action, while on duty;
- c) acts, while on or off duty, in a manner likely to discredit the JHS;
- d) commits an indictable offence or an offence punishable on summary conviction under any statute of Canada or of any province or territory, which may bring discredit to the John Howard Society or affect his or her continued performance with the John Howard Society;
- e) fails to advise his or her supervisor, as soon as practicable, of being charged with a criminal or other statutory offence;
- f) fails to account for, improperly withholds, misappropriates or misapplies any money or property coming into his or her possession in the course of duty or by reason of his or her being a member of the John Howard Society;
- g) consumes alcohol or other intoxicants while at work; or
- h) reports for work impaired or being unfit for duty due to influence of alcohol or drugs.

5.5 Relationships with others

Staff are expected to contribute to a safe, healthy and secure work environment, free of harassment and discrimination. Relationships with other persons must promote mutual respect within the JHS and improve the quality of its services.

5.5.1 Infractions

An employee has committed an infraction, if he or she:

- a) interferes with the work of others;
- b) is abusive, by word or action, to others while on duty or under circumstances related to his or her duties;
- c) participates in an illegal strike or concerted action which results in absence from duty or failure to perform his or her duties;
- d) coerces, incites or attempts by any means to obtain the participation of another employee(s) in an illegal strike, concerted action, or in the commission of an infraction of the Standards of Professional Conduct;
- e) commits any act of personal or sexual harassment against another person;
- f) disregards established safety practices;
- g) fails to promptly report a work accident; or
- h) uses unjustifiable physical force with another person.

5.6 Relationships with clientele

Staff must actively encourage and assist clientele to become law abiding citizens. This includes establishing constructive and respectful relationships with clients. Relationships shall demonstrate honesty, fairness and integrity.

5.6.1 Infractions

An employee has committed an infraction, if he or she:

- a) maltreats, humiliates, harasses, and/or is abusive, by word or action, to a client or the client's friends or relatives;
- b) improperly uses his or her title or authority to personal gain or advantage;
- c) enters into any kind of personal or business relationship that is not approved by his or her supervisor with a person within one year of that person having received services from the society;
- d) hires a client to perform any work or provide any service without first obtaining the permission of his or her supervisor; or
- e) fails to report situations of mistreatment of a client by an employee or volunteer.

5.7 Conflict of interest

Staff shall perform their duties on behalf of the JHS with honesty and integrity. Staff must not enter into business or private ventures which may be, or appear to be, in conflict with their duties with JHS.

5.7.1 Infractions

An employee has committed an infraction, if he or she:

- a) fails to disclose a conflict of interest or fails to follow the decision of the supervisor with respect to a declaration of conflict of interest; or
- b) improperly uses the services or property of the John Howard Society for activities that have not been approved.

6. Standards of Conduct - Volunteers

6.1 Purpose

To ensure high standards of conduct for volunteers of the John Howard Society.

6.2 General Responsibilities

6.2.1 Management

The Management of the Licensee is responsible for:

- a) ensuring that all volunteers are adequately trained and informed of the policies contained herein; and
- b) promptly and impartially taking appropriate corrective action when necessary.

6.2.2 Volunteers

All volunteers of the Licensee are responsible for:

- a) adhering to the Standards of Professional Conduct.
- b) being conversant with, and adhering to the various Acts, Regulations and policies affecting volunteers of the JHS.

6.3 Responsible Discharge of Duties

Volunteers shall conduct themselves in a manner which reflects positively on the JHS by working co-operatively to achieve the objectives of the JHS. Volunteers shall fulfil their duties in a diligent and competent manner with due regard for the values and principles contained in the Core Values of the JHS, as well as in accordance with policies and procedures laid out in

legislation, policies, manuals and other official documents of the Licencee. Volunteers have an obligation to follow the instructions of supervisors and are required to treat the clientele, the public, other staff and volunteers in a professional manner, with courtesy and promptness.

6.3.1 Infractions

A volunteers has committed an infraction, if he or she:

- a) makes public statements which undermine the John Howard Society concerning policies, practices and/or programs of the JHS;
- b) fails to take action or otherwise neglects their duties;
- c) wilfully or negligently causes unjustified waste, loss, or damage to any property of the John Howard Society or the property of any other person in the course of the performance of their duties;
- d) wilfully or through negligence, makes or signs a false statement in relation to the performance of their duties;
- e) condones or fails to take action when any person has committed an infraction of the Standards of Conduct; or
- f) performs his or her duty in a careless fashion so as to risk serious harm to any other person.

6.4 Conduct and Appearance

Behaviour and appearance, both on and off working hours, shall not reflect negatively on JHS.

6.4.1 Infractions

A volunteer has committed an infraction, if he or she:

- a) displays appearance and/or deportment which is unbecoming to a volunteer of the John Howard Society while on duty;
- b) is abusive or discourteous by word or action, while on duty;
- c) acts, while on or off duty, in a manner likely to discredit the JHS;
- d) commits an indictable offence or an offence punishable on summary conviction under any statute of Canada or of any province or territory, which may bring discredit to the John Howard Society or affect his or her continued performance with the John Howard Society;
- e) fails to advise his or her supervisor, as soon as practicable, of being charged with a criminal or other statutory offence;

- f) fails to account for, improperly withholds, misappropriates or misapplies any money or property coming into his or her possession in the course of duty or by reason of his or her being a volunteer of the John Howard Society;
- g) consumes alcohol or other intoxicants while on duty; or
- h) reports for work impaired or being unfit for duty due to influence of alcohol or drugs.

6.5 Relationships with others

Volunteers are expected to contribute to a safe, healthy and secure work environment, free of harassment and discrimination. Relationships with other persons must promote mutual respect within the JHS and improve the quality of its services.

6.5.1 Infractions

A volunteer has committed an infraction, if he or she:

- a) interferes with the work of others;
- b) is abusive, by word or action, to others while on duty or under circumstances related to his or her duties;
- c) coerces, incites or attempts by any means to obtain the participation of another employee(s) in an illegal strike, concerted action, or in the commission of an infraction of the Standards of Conduct;
- d) commits any act of personal or sexual harassment against another person;
- e) disregards established safety practices;
- f) fails to promptly report a work accident; or
- g) uses unjustifiable physical force with another person.

6.6 Relationships with clientele

Volunteers must actively encourage and assist clientele to become law abiding citizens. This includes establishing constructive and respectful relationships with clients. Relationships shall demonstrate honesty, fairness and integrity.

6.6.1 Infractions

A volunteer has committed an infraction, if he or she:

- a) maltreats, humiliates, harasses, and/or is abusive, by word or action, to a client or the client's friends or relatives;

- b) improperly uses their role with the society for personal gain or advantage;
- c) enters into any kind of personal or business relationship that is not approved by their supervisor with a person within one year of that person having received services from the society;
- d) hires a client to perform any work or provide any service without first obtaining the permission of his or her supervisor; or
- e) fails to report situations of mistreatment of a client by an employee or volunteer.

6.7 Conflict of interest

Volunteers shall perform their duties on behalf of the JHS with honesty and integrity. Volunteers must not enter into business or private ventures which may be, or appear to be, in conflict with their duties with JHS.

6.7.1 Infractions

A volunteer has committed an infraction, if he or she:

- a) fails to disclose a conflict of interest or fails to follow the decision of the supervisor with respect to a declaration of conflict of interest; or
- b) improperly uses the services or property of the John Howard Society for activities that have not been approved.

7. Discrimination and Harassment

7.1 Purpose

In recognizing the diverse and multicultural composition of its organization, and in its appreciation of the dignity, worth and contribution of each person, the JHS is committed to providing a safe organizational environment free from discrimination and harassment.

7.2 Duty to Reasonably Accommodate:

Employers and co-workers can be held responsible for participating in or failing to prevent discrimination and harassment in the workplace. Employers are also required to reasonably accommodate differences identified in the Human Rights Code, to the point of undue hardship.

7.3 What is discrimination/harassment?

Discrimination or harassment is:

- a) any unwanted physical or verbal comment or conduct that offends or humiliates an individual. It can interfere with a person's ability to do a job or obtain a service.
- b) threats, intimidation, verbal abuse, unwelcome or sexually suggestive remarks or gestures, requests for sexual favours, unnecessary physical contact, or physical assault.
- c) the unwelcome comment or conduct does not have to be directed towards a specific person for that person to take offence.
- d) under the applicable Province / Territory Human Rights Legislation, discrimination / harassment means someone is treating another person unfairly. Grounds for discrimination may include:

race	social condition
ethnic origin	creed / religion
ancestry	colour
language	political beliefs
nationality	citizenship
sexual orientation	age
place of origin	marital or civil status
gender / sex / pregnancy	record of offences
handicap / disability	family status
receipt of public assistance	pardon for a criminal offence.
same-sex partnership status	

7.4 Unacceptable behaviour

JHS will not allow or condone harassment or discrimination, whether it is between staff, volunteers or a member of the public.

7.5 Complainants Rights

Every person can expect any complaint involving alleged harassment or discrimination to be taken seriously and dealt with promptly, thoroughly, fairly. Further, every person has a right to:

- a) file a complaint without fear of embarrassment or reprisal;
- b) be represented and accompanied by a person of his or her choosing during the interviews related to his or her complaint;
- c) ensure that his or her written complaint, or written comments related to the fact that they have lodged a complaint, be excluded from his or her personnel files; and
- d) be kept informed throughout the process, and advised of the final outcome.

7.6 Respondent Rights

Any member who has had a complaint of harassment or discrimination made against him or her has the right to:

- a) be informed immediately that a complaint has been filed;
- b) be informed of the complaint process;
- c) be presented with a written statement of allegations;
- d) be given an opportunity to respond to a written statement of allegations in writing;
- e) be represented and accompanied by a person of his or her choosing during the interviews related to the complaint;
- f) receive fair treatment in an environment free of harassment and discrimination; and
- g) be kept informed throughout the process, and advised of the final outcome.

7.7 Investigation and Resolution Processes

7.7.1 Informal Resolution

JHS encourages members to resolve complaints under its Harassment and Discrimination Policy between themselves, if possible, or where necessary with the assistance of another member or a supervisor.

- a) tell the person (alleged offender) to stop ;
- b) attempt to resolve matter directly;
- c) seek assistance/support of your supervisor or another person.

7.7.2 Formal Resolution:

- a) JHS recognizes that some will not feel comfortable speaking directly to the person at whom the complaint is directed, nor is it appropriate for a member to do so in some circumstances (e.g. if the member has spoken to the person who has offended and the unwelcome comment or conduct persists or if the alleged offender is the member's supervisor or a senior member of the organization).
- b) Accordingly, an alleged violation may be dealt with by invoking the written complaint process without any attempt at an informal resolution. At any time, a member may submit a written complaint to his or her direct supervisor or to the Executive Director. If the complaint is against the Executive Director , it should be addressed to the President of the Board of Directors.
- c) If a supervisor becomes aware of discrimination or harassment, he or she shall initiate a complaint on their own initiative.
- d) Formal written complaints should contain:
 - i) What happened;
 - ii) What was said and who said it;
 - iii) When it happened;
 - iv) Where it happened
 - v) Who saw what happened;
 - vi) What the complainant did in response to the incident at that time.

7.7.3 Complaint Process:

- a) The Executive Director may attempt to resolve the matter informally through discussion with the consent of both parties or may initiate a formal investigation.
- b) Any complaint not resolved informally will lead to an investigation.

- c) Investigations initiated under this Policy will be conducted impartially, thoroughly, sensitively, discreetly, confidentially and in a timely manner.
- d) The Executive Director will notify the person being complained about (the 'respondent') in writing.
- e) An investigation will be conducted and findings assessed to determine whether the complaint is substantiated.

7.7.4 Investigation process

During the investigation of a written complaint, the investigator or investigation team will:

- a) consult with the Executive Director;
- b) interview both the complainant and the respondent as soon as possible;
- c) review pertinent documentation, interview witnesses, document the situation accurately and completely, make findings with respect to the complaint, and make written recommendations to the Executive Director;
- d) maintain a complete documentary file; and
- e) caution members who are questioned that they must not discuss the case with anyone else.

7.8 Follow Up to Investigation

7.8.1 Where the complaint is substantiated

Where the complaint is substantiated the Executive Director or President, as appropriate, shall:

- a) determine appropriate corrective action,
- b) advise the complainant and respondent of the findings/resolution
- c) monitor implementation of corrective action;
- d) retain a confidential and secure record; and
- e) ensure that there are no reprisals against the parties involved except for the imposed corrective action.

7.8.2 Where the complaint is not substantiated

Where the complaint is not substantiated, the Executive Director or President, as appropriate, shall:

- a) take no further action against the respondent;

- b) advise the complainant and respondent of the findings/resolution;
- c) retain a confidential secure record; and
- d) ensure that there are no reprisals against the parties involved.
- e) if the complaint is found to be malicious, disciplinary action may be taken against the person making the complaint.

7.9 Records

A written record shall be kept of complaints and their resolution whether they are resolved informally or formally.

7.10 Review Entitlement

Persons who are dissatisfied with the outcome of the formal complaint may apply by way of letter to the President of the Board of Directors and request a review of the decision stating explicitly the grounds for the request.

7.11 Review Initiation

If a review is requested, the Board of Directors shall:

- a) send a letter to the opposite party (respondent or complainant) requesting a written response; and
- b) convene to discuss the matter and may:
 - i) affirm the decision and disciplinary measures; or
 - ii) affirm the decision but alter the disciplinary measures; or
 - iii) institute a new or further investigation into the complaint.

7.12 Confidentiality

7.12.1 All parties

All Parties involved in the resolution or investigation of a complaint, including the complainant, the respondent, and witnesses, are expected to facilitate the process, co-operate, and maintain confidentiality.

7.12.2 Documentation

All documentation involved in the complaint process, including the final report, will be maintained in confidence in the offices of the Executive Director. In all instances, such documentation will be kept separate from members' personnel files. If there is disciplinary action, the

reason for discipline as well as the nature of the discipline will be recorded in a member's personnel file.

7.13 Alternative complaint mechanisms

This policy does not limit the entitlement of any person to make a complaint to a provincial / territorial human rights commission or take any other step, which the person is entitled to take at law.