Getting Started with the 11 HR Policies Required By Law

Plus 20 More that are Essential for Due Diligence

Yosie Saint-Cyr, LL.B.
Introduction: Understanding the essential elements of a human resources policy manual

Building an employment policy manual is hard work. Employment law is complicated—and even more so when you apply it to the unique circumstances of your organization.

Nonetheless, it’s essential that you have an employment policy and procedure manual in order to comply with the law, effectively manage your workforce, meet due diligence obligations, limit your legal liability, and protect you from countless legal risks, no matter how big or small your organization is.

Take note: Some policies are required by statutory law (mandatory); some are strongly recommend by Canadian courts to limit your liability (common law); and others are not strictly required, but may also protect your organization from fines or legal action depending on your organization’s unique circumstances (best practices).

This whitepaper will give you an easy-to-follow outline of the workplace policies you should start with in order to comply with Canadian statutory legislation, common law and best practice.

With this guide, you can begin to develop the policies and procedures you need on your own or by using Human Resources PolicyPro® (HRPP) from First Reference. HRPP contains over 100 sample policies for each province in Canada—including the essentials discussed in this whitepaper—plus easy-to-understand commentary outlining why you need each policy and how to implement it.
Where to begin?

The sample policies in Human Resources PolicyPro are comprehensive and legally compliant, but you may still find the task of creating a policy manual for your organization daunting.

We strongly recommend you start by implementing the 11 essential policies required by law (depending on your jurisdiction) in section A.

Then work on the common law policies (section B) to ensure you avoid potential liabilities.

No organization wants to have to deal with a claim relating to health and safety, violence and harassment or termination. But it happens, and when it does it’s essential for your organization to show that management has met their duty of care to minimize problems.

Robust, up-to-date policies that each employee has read and understood are an essential part of demonstrating that management has met their legal obligations.

After meeting your legal requirements, you can determine which good-to-have policies (section C) your business needs because of your industry sector or the nature of your business.

Start building your legally compliant HR policy manual on the next page!
A. Mandatory policies: required by statutory law

Certain policies are mandatory and require a yearly review. These include a general commitment to health and safety policy, workplace harassment prevention and workplace violence prevention policies, among others. Some mandatory policies are the same for all jurisdictions, while others are specific to a single jurisdiction.

The table in Appendix A at the end of this whitepaper outlines the type of policy, which jurisdiction must implement it, and where you can find the policy in Human Resources PolicyPro. Canada has fourteen jurisdictions: one federal, ten provincial and three territorial. You can use the appendix to quickly identify the policies that apply in your jurisdiction(s) and get started with those.

Below is a brief overview of the required policies.

1. General health and safety policy

The policy states the employer’s commitment to protect employees’ health and safety, and to cooperate with workplace parties such as employees, the joint health and safety committee or health and safety representative to ensure a safe work environment. The policy also lists the general responsibilities of employers and the other workplace parties, among other obligations. The policy must be signed by upper management.

In addition to preparing a general health and safety policy, an employer that regularly employs more than five employees (threshold varies depending on jurisdiction) must also have a program in place to implement the policy.

2. Violence policy

A workplace violence policy will usually include a statement of the employer’s commitment to prevent or minimize violence; a definition of workplace violence; a risk assessment plan (if required in your jurisdiction); security and prevention measures; training requirements; and procedures for filing, responding to and investigating a complaint or violent incident.
3. Harassment policy
Your workplace harassment policy should provide a definition of workplace harassment as found in human rights legislation; outline how your organization will respond to complaints and incidents of harassment, who will be designated to accept complaints, what training they will receive, how investigations will take place; and more.

4. Domestic violence policy (Ontario)
If an employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury might occur in the workplace, the employer is required to take every precaution reasonable in the circumstance for the protection of the worker at risk of physical injury and whoever comes into contact with that worker. This policy is generally included in the workplace violence policy.

5. WHMIS policy
The main purpose of the provincial WHMIS legislation is to require employers to obtain health and safety information about hazardous materials in the workplace and to pass this information on to workers through a policy and training. A WHMIS policy discloses to workers hazard information on controlled products. It also ensures that employees who handle, are exposed to, or are likely to handle or be exposed to hazardous materials are instructed on their use. The WHMIS policy and program will be specific to the workplace.

6. Hazard-specific policies and procedures
These policies can include personal protective equipment (PPE), working alone, confined space, noise, heat stress, cold stress, etc.

The requirement to have one or more of these types of policies depends on the nature of the workplace or the work performed. OHS Regulations indicate that when an employer identifies a hazard or a risk of a hazard in the workplace (after a risk assessment has been done), the employer must prepare written policies and procedures and affected employees must be instructed and trained on these procedures. If procedures can eliminate the hazard, then such procedures should be specified.

7. Emergency preparedness and response policy
Emergency preparedness and response policy and plan, rescue and evacuation procedures are required in writing.
8. Psychological harassment Policy (Quebec)

Employers must control bullying, intimidation and other forms of psychological harassment in the workplace. A written policy is required.

9. Personal information privacy policy

A personal information protection policy is to protect the personal information of employees and to indicate why the employer needs the information and how he or she will use it. The policy will provide the mechanisms necessary to access and revise personal information. It will also explain the complaint-resolution process.

10. Pay equity policy and plan

Every employer with 10 or more employees in Ontario and Quebec, must establish and maintain compensation practices and plans that provide for pay equity in every establishment of the employer. The employer must post a copy of each pay equity plan prepared or amended in the workplace not later than six months (depending on the jurisdiction) after the plan comes into force.

11. Accessibility policies (Ontario and Manitoba)

Obligated organizations in Ontario must establish policies, practices and procedures with respect to persons with disabilities under the following accessibility standards:

- Customer service
- Information and communications
- Employment
- Transportation
- Built environment and the design of public spaces

Manitoba’s first accessibility standards take effect in 2018 and will cover customer service.

Take note: Organizations are only required to develop policies on the accessibility standards that apply to their business.
In Ontario, public-sector organizations, as well as private and not-for-profit organizations with 50 or more employees, must document their policies in writing. Private and not-for-profit sector organizations with 49 or fewer employees are not required to put their policies in writing.

Obligated organizations must develop and implement written accessibility policies and a multi-year accessibility plan describing how the organization will achieve accessibility and compliance with the above standards. The document must include a statement of commitment, and be posted in a visible and accessible place on the organization’s premises, or the organization’s website.

Organizations must create accessibility policies that fit the nature of their business, their existing culture and practices. Organizations may choose to create one policy on accessibility, a series of policies, or incorporate the accessibility policy or policies into existing policies.

For example, according to the Ontario government’s publication, A Guide to the Integrated Accessibility Standards:

> An organization may already have in place human resources policies on recruitment or performance management. Instead of developing separate policies on accessible recruitment and performance management, principles of accessibility can be incorporated into existing policies.

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**Find the details here...**

You can find the details and everything you need to put the above policies in place—including a ready-to-use sample policy and procedure document—in Human Resources PolicyPro and Accessibility Standards PolicyPro® from First Reference.

If you aren’t already a subscriber, take a free trial today.
B. Policies strongly recommended by courts: common law

It seems employers must continually learn the basic lesson that it’s crucial to have in place clear written policies governing employee conduct, discipline and accommodation, and to apply those policies consistently. Courts and tribunals across the country have repeatedly established that, to reduce the likelihood of committing an offence, demonstrate due diligence, and limit legal liability, employers should:

1. Implement policies, standards and procedures
2. Communicate the policies to all members of the organization; and
3. Review and revise them when necessary to remain current

Without a policy, who’s to say what’s expected of employees?

A recent wrongful dismissal case from Alberta reiterates the importance of HR policies. After an employer terminated an employee based on a violation of a non-existent policy, an Employment Standards Umpire found that the employee’s behaviour might have been inappropriate, but it did not justify dismissal, especially without a written policy and a course of progressive discipline to support it.

What’s the big deal?

Why have courts strongly recommended employers establish these policies and procedures?

When employers fail to effectively manage workplace issues such as harassment, accommodation, injuries, accidents and discipline, they can be held responsible for the repercussions.

The courts have said repeatedly that it is good management practice and a good preventive measure to have strong policies and procedures to deal with these issues and communicate expectations to employees.
12. Anti-harassment/anti-discrimination/accommodation policy

Employers must meet a high standard when it comes to accommodating employees with disabilities. You should create, implement and communicate workplace policies and procedures that aim to prevent discrimination and harassment, and that make it clear your organization will not tolerate discriminating and harassing behaviour or conduct based on any prohibited ground found under human rights legislation.

Human rights legislation does not formally require policies for anti-harassment, anti-discrimination or accommodation of employees in protected groups. However, if a human rights commission or tribunal rules that the employer has violated human rights law, they can order the employer to develop policies in addition to awarding damages to employees.

Human Rights Tribunal rulings have stated that a policy will help organizations to understand the nature of the duty owed to employees and partners and to implement processes to comply with their obligations.

This includes policies for the accommodation of disabilities, religious beliefs, family status, transgendered persons, etc.

Take note: A meaningful anti-harassment/discrimination policy that you have applied consistently will provide a strong defence against legal challenges by demonstrating that you take seriously your obligations to your employees.

Find the details here...

Look in Human Resources PolicyPro for these relevant sample policies:
- 4.03 – Anti-discrimination (includes anti-harassment)
- 4.04 – Accommodation of disability
- 4.09 – Religion/creed accommodation

Take note: These common law requirements apply in all jurisdictions.
13. Progressive discipline policy

Due to recent developments in Canadian courts, non-union employers are advised to have a progressive discipline policy that takes into account the context of employees’ wrongdoing and applies escalating measures of discipline before resorting to a dismissal.

Employers should prepare their discipline policy in writing and ensure managers and supervisors understand how to use it when disciplining employees. A progressive discipline policy is used in conjunction with a set of work rules (other HR policies) that are clearly communicated to employees and applied consistently and fairly.

**Take note:** To successfully defend your actions in the event of a dispute, it is essential to have a discipline policy and process in writing—and to record the process. The policy and records provide evidence and legal support for employers that ultimately have to dismiss a worker.

A progressive discipline policy outlines a clear course of disciplinary actions that will be taken when an employee violates work rules (e.g., verbal warning, written warning, suspension, demotion, termination).

The policy must provide employees with a clear explanation of what is expected, what is and isn’t acceptable behaviour or performance, and the consequences/penalties for not following the employer’s rules or meeting standards.

Look for **Policy 4.06 – Progressive discipline** in HRPP.

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**Case study: Getting rid of a trouble employee the right way**

In a recent Ontario case, an employee was fired after nine disciplinary incidents over the course of two years.

The Ontario Superior Court of Justice upheld the termination because the employer had acted quickly, taken appropriate steps in progressive discipline, and effectively communicated throughout the process by informing the employee of the disciplinary steps if he failed to improve his performance.
14. Privacy policy

Not all jurisdictions have private sector privacy legislation. However, all workplaces should have a policy protecting employees’ personal information and describing the mechanisms for collecting, using, storing, accessing and revising personal information, and a complaint resolution process.

At a minimum, employers should inform their employees what personal information they will collect, use and disclose and why. This includes informing employees of any policies that might impede their right to privacy.

Cross-purposes need consent

Employers should also ensure that information they collect for one purpose isn’t used for an unrelated purpose without the employee’s consent.

Even when employers are not required to do so by law, they should give employees access to the personal information held about them, so that they can verify, and if necessary challenge, its accuracy and completeness.

Various provinces have also enacted Personal Health Information Protection laws (commonly abbreviated PHIPA) to regulate how health-information custodians may collect, use and disclose personal health information. While the law generally applies to the healthcare industry, any employer may be affected.

For instance, employers need to know their obligations when they receive sensitive personal health information from healthcare custodians in the course of managing issues such as employee absenteeism and disability.
Under PHIPA, employers need to inform employees of the purposes for which they collect, use and disclose personal health information—and obtain consent for those purposes. The best way to do that is to have a policy and procedures.

There’s a sample privacy policy in Human Resources PolicyPro at SPP 4.07 – Personal Information Protection.

15. Internet, email and computer use policy

Computers, email and the Internet are integral to our working lives and there is a need for sound workplace policies regarding the use of these systems, including the protection of personal privacy.

Take note: Many court cases have affirmed employers’ right to establish rules and procedures related to employees’ use of work computers, Internet and email, as long as they are fairly and consistently applied and communicated to all employees.

Employers should develop Internet/email/computer usage policies to ensure employees understand what is and is not acceptable behaviour when using the employer’s property.

Employers generally want to allow employees to access the computer/Internet/email from work for limited personal reasons, but also to ensure that company property and time are not used to transmit pornography or hate mail, or for other inappropriate activities.

Look for SPP 4.08 – Internet, email and computer use in Human Resources PolicyPro.

16. Social media policy

Nowhere is the conflict between the employer’s right to manage and the employee’s right to privacy more apparent than in social media. Facebook, Twitter, LinkedIn, Instagram and other social networks are everywhere. Social media has become a vital and easy method of communicating, networking and conducting business. However...
With the positives come the negatives

According to Stephanie Hickman of law firm Cox & Palmer:

“Employee statements on social media can result in employer liability for defamation, harassment, discriminatory comments, and links to illegal or pornographic sites and even workplace injury. (Social Media and the Employment Relationship)

Employees’ social media activity can negatively affect their employer’s reputation and business operations by diverting the employer’s resources, reducing productivity and exposing confidential or otherwise inappropriate information.

Employers may generally monitor their employees’ social media use at work, provided that this practice is clearly communicated to employees in a written policy, and the policy is consistently enforced. In unionized workplaces, the policy must be consistent with the collective agreement.

Take note: Social media punishment is no longer rare. There are now many cases of Canadian employees being disciplined or fired on grounds that include insubordination, time theft, breach of confidentiality, breach of the duty of loyalty—all as a result of their use of social media.

Find a sample social media policy in SPP 4.14 of Human Resources PolicyPro.

17. Hours of work and attendance policy

The attendance policy explains an employer’s expectations about attendance and tardiness and sets out the rules on absences, presenteeism and how excessive absenteeism will be handled. Supervisors and managers will inform employees of specific work schedules, including normal start times, break times, meal schedules and ending times. The hours of work and attendance policy will reiterate these things.

Find a sample policy in SPP 1.06 of Human Resources PolicyPro.
18. Overtime policy

An overtime policy is essential when an employer needs to limit overtime hours and control the circumstances under which an employee may work overtime. The policy also outlines the process for obtaining prior approval to work overtime. Even though employees can agree to work overtime, an employer cannot force an employee to work overtime.

The overtime policy must be consistent with the employment standards requirements of your province or territory or, if you’re a federally regulated workplace, the Canada Labour Code.

Unauthorized overtime? The employer has to pay

If an employee works the overtime hours, they are entitled to the appropriate pay or time off in lieu if the law allows it. An employer cannot claim that the overtime hours were not authorized and refuse to pay for it.

That is why it is recommended to have a policy in place stating that all overtime must be authorized. While the employer cannot refuse to pay for unauthorized overtime, having the policy in place allows the employer to monitor the situation and discipline the employee for breaching that policy.

Find a sample policy in SPP 2.06 of Human Resources PolicyPro.

19. Employment Standards policies

Employment standards are the minimum rules of employment for workplaces that are required by law. Employment standards cover many aspects of employment including, but not limited to:

- Minimum wage
- Minimum daily pay
- Meal breaks
- Payment of earnings (paydays)
- Statutory (public) holidays
- Vacation time and pay
Employers must meet these standards as described in law and to do so, there can be no doubt that compliance-focused written policies and procedures that are applied consistently will be the most effective tools.

**Take note:** Employers may always develop policies or practices that enhance what is allowed for in the law, i.e., provide better standards.

If the employer provides a greater right or benefit than a minimum employment standard under the *Employment Standards Act* (ESA), then those terms apply instead of those found under the Act. It is strongly recommended that these greater rights be recorded in writing, in policies and procedures or an employment contract. When faced with a complaint, the Ministry of Labour will apply those policies.

ESA policies that commonly provide a greater right include statutory leaves of absence, vacation, public (statutory) holiday policies.

A termination policy (voluntary and involuntary), on the other hand, is generally intended to protect the employer against court actions for wrongful dismissal, limit employee entitlement to the minimum notice required under ESA, and avoid common law reasonable notice. However, a termination policy may not necessarily be enforced because of various factors such as offer and acceptance, consideration and the intention on the part of both parties to be bound. It is better to draft a termination clause in an employment contract.

Statutory leaves policies will not offer a greater benefit, but specify the minimum legal requirements. The advantage of such a policy is that it sets out the process employees must follow to access a leave. It also outlines the required proof of illness or injury when requesting a statutory leaves and the circumstances that would require the justification, for example, a medical certificate as proof for a compassionate care leave.
Your pay administration policy must comply with the employment standards guidelines for pay administration in your jurisdiction. It is important for your pay policy to state:

- The frequency employees will get paid—i.e., pay period (for example, bi-weekly or monthly)
- Information on authorized deductions (Employment Insurance, CPP, benefit premiums, etc.)
- The method of payment (for example, cheque or direct deposit) and information on pay statements
- Where employees can direct concerns about pay
- Details about pay advances, where applicable

Find the details in Human Resources PolicyPro...

- 1.03 – Terms of employment
- 1.09 – Termination of employment
- 2.03 – Pay administration
- 3.03 – Holidays
- 3.02 – Vacation and vacation pay
- 3.05 – Pregnancy leave
- 3.06 – Parental/adoPTION leave
- 3.07 – Bereavement leave
- 3.12 – Personal emergency leave
- 3.15 – Family medical leave
- 3.16 – Jury or court witness leave
- 3.17 – Military/reservist leave
- 3.24 – Critically ill child care leave
- 3.25 – Crime-related child death or disappearance leave

20. Smoking in the workplace policy

Employers have obligations under smoking legislation or OHS legislation or regulations to:

- Ensure that no person smokes or holds lighted tobacco in any enclosed public place or workplace (including visitors and contractors)
- Ensure that no person smokes an e-cigarette in the workplace (only certain provinces)
- Give notice to each employee in an enclosed workplace, vehicle or place that smoking is prohibited in a manner that complies with regulations

**Take note:** Although the law offers no definition of what notice is, it usually involves a written policy and procedures.

Look for a sample policy in section 5.11 of *Human Resources PolicyPro*.

### 21. Conflict of interest policy

Employers should consider having a conflict-of-interest policy to warn employees of conduct or activities that create a conflict of interest. The policy should state that disciplinary measures will be taken for violations of the policy.

These types of conduct must be defined broadly and include any means by which an employee might inappropriately gain a personal benefit because of advantages stemming from the employment relationship.

#### What is a conflict of interest?

A conflict of interest includes any situation in which an employee’s loyalties or interests are, or may appear to be, divided between:

- The employee’s personal interests and the company’s interests; or
- The company’s interests and a third party’s interests

A conflict-of-interest policy should address not only actual conflicts of interest, but also the appearance of conflicts or the potential for conflicts.
The intent is to communicate to employees that they must avoid any activity that creates an actual or potential conflict of interest, and avoid any situation that may even present the appearance of a conflict of interest.

Find a sample policy in SPP 1.13 of Human Resources PolicyPro.

22. Flexible work arrangements/telecommuting policy

Flexible work arrangements are alternate arrangements or schedules from the traditional working day, week or location. This includes flex-time, telecommuting, reduced hours, compressed workweeks, job sharing, banking of hours, phased retirement, leaves and sabbaticals.

Employees may wish to choose a different work schedule or location to meet personal or family needs. No matter which program or how many options you make available, the duties, expectations and deadlines should be clearly outlined in a policy and agreed upon by both the supervisor and the employee.

You’ll find up-to-date sample policies on flexible work arrangements and working from home in Human Resources PolicyPro at sections 1.17 and 5.19.

23. Group benefits plan policy: health and life insurance

Employers are not required to provide employee benefit plans. However, if an employer does decide to provide benefits, the rules against discrimination under the local employment standards legislation must be complied with.

Employment standards law prohibits employers from discrimination between employees or their dependants, beneficiaries or survivors because of the age, sex or marital status of the employee.

A policy helps employers, their management and supervisors understand their responsibilities and employees understand their rights.

Your benefits policy should spell out what employees get and at what cost.
The government would like to point out...

A benefits plan policy should include these elements, according to the Ontario Ministry of Labour:

“An employee who is on pregnancy, parental, personal emergency, family caregiver, family medical, critically ill child care, organ donor, or crime-related child death or disappearance leave has the right to continue to participate in pension plans, life insurance plans, accidental death plans, extended health plans and dental plans during his or her leave.

An employee who is on a reservist leave does not have the right to continue to participate in these plans during his or her leave.

However, if the employer postpones the employee’s reinstatement, the employer is required to pay the employer’s share of premiums for certain benefit plans related to his or her employment and allow the employee to participate in such plans for the period during which the return date is postponed.

A female employee may be entitled to disability benefits during that part of the leave during which she would not have been able to work for health reasons related to her pregnancy or childbirth.

Other benefit plans may allow employees on types of leave that are not provided for in the ESA to continue to participate in the plan while they are on leave.

In that case, employees on pregnancy, parental, personal emergency, family caregiver, family medical, critically ill child care, organ donor, reservist, or crime-related child death or disappearance leave are also allowed to continue to participate in such plans while they are on leave (this includes any leave negotiated between an employee or union and an employer that is longer than the ESA provides).”
Paid sick Leave, short-term disability, long-term disability

Some companies offer their employees sick leave with pay, but this does not happen consistently and it is not a legal requirement, except in Prince Edward Island. PE mandates employers to provide one day of paid sick leave to employees who have worked at the same company for a minimum of five years in a row.

Short- and long-term disability insurance are types of private insurance that provide coverage, in the form of a percentage of an employee’s income, for employees who are unable to work as a result of either an injury or illness. This is usually provided as a part of an employee benefit package, although some employers choose not to offer it. There are no legal requirements that mandate it.

Take note: Since employers offer paid sick leave at their discretion, it is up to the individual employer to determine the appropriate amount of leave to which employees are entitled.

Find relevant sample policies in sections 3.01 – Benefits principles and 3.13 – Short-term disability/sick-pay benefits of Human Resources PolicyPro.

24. Drug and alcohol policy

Today, a drugs and alcohol policy may have multiple purposes: to address the harmful use of alcohol and drugs (i.e., abuse and addiction) and permitted uses (e.g., medical cannabis).

Workplace substance abuse means the use of a potentially impairing substance to the point that it adversely affects performance or safety at work, either directly through intoxication or hangover, or indirectly through social or health problems.
Most human rights legislation requires individualized or personalized accommodation measures for persons with disabilities like addiction.

Policies that result in an employee’s automatic loss of employment, reassignment, or that impose inflexible reinstatement conditions without regard for personal circumstances are unlikely to meet this requirement.

Can an employer test employees for drugs and alcohol?

One way employers have been attempting to address the issues of workplace safety and corporate liability is through the implementation of a drug and alcohol testing program.

In Canada there is no federal or provincial legislation in place that deals specifically with employment-related drug and alcohol testing. Instead, human rights legislation, court decisions and labour arbitrations have defined the guidelines for such testing.

As a result, employers in industries that have safety-sensitive positions, such as in the oil sector or health sector, will have a policy
addressing workplace impairment, possession and use of intoxicants in the workplace, including prescribed medications, and procedures for drug and/or alcohol testing, when needed.

The policy must strike an appropriate balance between human rights and safety requirements both for employees and for the public.

Drug and alcohol testing that has no demonstrable relationship to job safety and performance has been found to be a violation of employee rights.

**HOT TOPIC: Medical marijuana**

When an employee demonstrates to an employer that she or he has a medical condition and has a prescription for marijuana to treat the condition, all the typical principles regarding accommodation of a disability pursuant to human rights legislation apply.

This means that the employee should be treated like any other employee who is taking prescription medication for a medical condition.

For relevant sample policies look in sections 5.06 – Alcohol and drugs in the workplace and 1.20 – Drug and alcohol testing of Human Resources PolicyPro.

25. **A code of conduct policy**

A code of conduct policy sets standards of ethical conduct and workplace behaviour that must be adhered to and can be added to or amended as needed.

The policy can include issues such as personal and professional responsibilities and accountabilities in dealing with employees, colleagues and customers. It can also set standards for dress, grooming and appearance and the use of organization’s facilities and resources.

See sample policy SPP 4.05 – Conduct and behaviour in Human Resources PolicyPro.
C. Good-to-have policies: best practices

Best practices might not be required by statute or common law, but they can provide important protection against fines and legal action, besides clarifying responsibilities and improving employee relations.

As with all the policies discussed in this whitepaper, you can find ready-to-use and easy-to-customize samples of these “good-to-have” policies and procedures in Human Resources PolicyPro.

26. Dress code

Some companies prefer to allow employees to dress freely or casually for comfort, which works in more creative work environments. However, where employees routinely interact with prospective customers, clients and business partners, a company typically needs a dress code to maintain a professional image.

Take note: Having a dress code policy will remind employees of the employer’s expectation and ensure there are no misunderstandings.

The nature of professional dress is somewhat tied to your industry. Thus, a company that wants to maintain a professional image or certain status in the marketplace should make a dress code a priority.

See sample policy SPP 4.10 – Dress code in Human Resources PolicyPro.

27. Performance management policy

Employee performance management should relate employees’ work performance and achievements to the operational and strategic performance of the organization.

You are not required by law to have a performance management policy and procedures.
However, whether or not you establish a written performance management policy, human rights legislation across Canada, and the AODA in Ontario, require employers to treat employees equitably, fairly and without discrimination, and to provide accommodation to help the employee perform the essential duties of the job and retain employment.

**Take note:** Rather than leaving this to chance, you’ll do your organization and your employees a big favour if you implement a well designed and documented performance management policy and process to ensure and demonstrate objective and fair decision-making regarding compensation, promotion, disciplinary action and terminations.

See sample policy SPP 2.04 – Job performance review in Human Resources PolicyPro.

28. Employee expense policy

Employees often incur expenses when travelling for work, meeting with clients, or attending conferences and trade shows, among other events. These business expenses are usually covered or reimbursed by the organization.

The procedures for how such expenses are approved, what are reasonable and appropriate expenses, the reimbursement amounts, the guidelines for submitting expenses are usually communicated to the employee through an expense policy.

**Find the details here...**

You’ll find relevant policies in the following sections of HRPP:

- SPP 1.12 – Gifts, favours and entertainment
- SPP 1.19 – Moving and relocation expenses
- SPP 1.21 – Business travel expenses
29. **Whistleblower policy**

A whistleblower is an employee, former employee or member of an organization who reports misconduct to people or entities that can take corrective action.

Whistleblowers may be ostracized by their co-workers, discriminated against by future potential employers, or even fired from their organization. A whistleblower policy is needed to protect whistleblowers from these types of workplace reprisals.

See sample policy **4.11 – Whistleblower protection** in Human Resources PolicyPro.

30. **Confidentiality policy**

While working for your organization, employees may be exposed to confidential information about your clients, other employees and the organization. Employees are expected to respect confidentiality at all times.

A policy on confidentiality may include:

- A statement of the types of information that are confidential
- Consequences for breaching confidentiality
- Training requirements

**Take note:** To emphasize the importance of this policy, many organizations address confidentiality during orientation and require all employees to sign a statement that they have read and understand the policy as part of the conditions of employment.

Look for a sample policy on **confidentiality and inventions** in section **1.08** of Human Resources PolicyPro.
31. Hiring policy

Policies and procedures about hiring are designed to provide guidelines for filling a vacant position with the right candidate.

The hiring decision is a major investment by an organization and the policies around making this decision need to be clear.

**Take note:** Hiring policies need to ensure hiring practices are not discriminatory and allow for accommodation of disabilities in order to comply with the human rights legislation for your jurisdiction and, in Ontario, also the AODA.

See sample policy SPP 1.02 – Recruitment and selection in Human Resources PolicyPro.

**Conclusion**

You’re done—congratulations! You’ve got a human resources policy manual that includes all the policies required by legislation, recommended by common law, as well as those that are generally handy to protect your organization from all types of liability.

If you used Human Resources PolicyPro (HRPP), you can be sure your policies and procedures are legally compliant and up to date—whatever your jurisdiction.

**But why stop there?**

HRPP has dozens of expert-prepared sample policies, procedures, forms and checklists, with expert commentary to help you put the documents to use right away.

The PolicyPro® software included with your trial or subscription makes it a snap to update, manage and distribute your policy manual. And because employment law is constantly changing, we update HRPP every three months.

Find out more on FirstReference.com.
## Appendix A: Policy details and location in HRPP

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<th>HRPP policy number</th>
<th>Policy name</th>
<th>Legislation/regulation (if applicable)</th>
<th>Jurisdiction where required</th>
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<td></td>
<td><strong>Legally required policies</strong></td>
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</tr>
<tr>
<td>HR 6.01</td>
<td>General occupational health and safety policy</td>
<td>Occupational Health and Safety Legislation and/or Regulations</td>
<td>All except Alberta, Quebec and Yukon</td>
</tr>
<tr>
<td>HR 6.09</td>
<td>Violence policy</td>
<td>Occupational Health and Safety Legislation and/or Regulations; the duty to prevent workplace violence and protect workers from workplace violence</td>
<td>Fed. reg., AB, BC, MB, NL, NS, ON, PE, QC, SK</td>
</tr>
<tr>
<td>HR 5.03</td>
<td>Harassment policy</td>
<td>Occupational Health and Safety Legislation and/or Regulations; the duty to prevent workplace harassment and protect workers from workplace harassment</td>
<td>SK, MB, ON, BC</td>
</tr>
<tr>
<td>HR 6.09</td>
<td>Domestic violence policy</td>
<td>Occupational Health and Safety Act</td>
<td>ON</td>
</tr>
<tr>
<td>HR 6.14</td>
<td>WHMIS policy</td>
<td>Occupational Health and Safety Legislation and/or Regulations</td>
<td>All provinces and territories</td>
</tr>
<tr>
<td>varies</td>
<td>Hazard-specific policies and procedures</td>
<td>OHS Legislation and/or Regulations</td>
<td>All provinces and territories</td>
</tr>
<tr>
<td>HR 6.10 and 6.50–6.58</td>
<td>Emergency preparedness and response policy</td>
<td>Occupational Health and Safety Legislation and/or Regulations</td>
<td>Every jurisdiction requires employers to plan for workplace emergencies</td>
</tr>
<tr>
<td>HR 5.03</td>
<td>Psychological harassment policy</td>
<td>Labour Standards Code</td>
<td>QC</td>
</tr>
<tr>
<td>HR 5.07</td>
<td>Personal information privacy policy</td>
<td>Personal Information Protection and Electronic Documents Act, unless superseded by local private sector privacy legislation in the provinces listed in the next column</td>
<td>AB, BC, QC MB enacted but not yet in force</td>
</tr>
<tr>
<td>HR 3.01</td>
<td>Pay equity policy and plan</td>
<td>Pay Equity Act</td>
<td>QC, ON</td>
</tr>
<tr>
<td></td>
<td>Accessibility policies, including:</td>
<td>Accessibility for Ontarians with Disabilities Act (AODA)</td>
<td>ON, MB</td>
</tr>
<tr>
<td></td>
<td>• Customer service policy</td>
<td>Accessibility Standards for Customer Service under the AODA</td>
<td>MB is currently developing additional mandatory standards to address barriers for Manitobans in key areas of daily living.</td>
</tr>
<tr>
<td></td>
<td>• Information and communications standards</td>
<td>Integrated Accessibility Standards Regulation under the AODA</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Employment standards</td>
<td>Accessibility for Manitobans Act (AMA)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Accessible Customer Service Standard under the AMA (effective for private sector in 2018)</td>
<td></td>
</tr>
<tr>
<td>HRPP policy number</td>
<td>Policy name</td>
<td>Jurisdiction where required</td>
<td></td>
</tr>
<tr>
<td>--------------------</td>
<td>-------------</td>
<td>-----------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Common law policies</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HR 4.03, 4.04 and 4.09</td>
<td>Anti-harassment/discrimination policy and accommodation policy</td>
<td>All</td>
<td></td>
</tr>
<tr>
<td>HR 4.06</td>
<td>Progressive discipline policy</td>
<td>All</td>
<td></td>
</tr>
<tr>
<td>HR 4.07</td>
<td>Privacy policy</td>
<td>All</td>
<td></td>
</tr>
<tr>
<td>HR 4.08</td>
<td>Internet, email and computer use policy</td>
<td>All</td>
<td></td>
</tr>
<tr>
<td>HR 4.14</td>
<td>Social media policy</td>
<td>All</td>
<td></td>
</tr>
<tr>
<td>HR 1.06</td>
<td>Hours of work and attendance policy</td>
<td>All</td>
<td></td>
</tr>
<tr>
<td>HR 2.06</td>
<td>Overtime policy</td>
<td>All</td>
<td></td>
</tr>
<tr>
<td>HR 1.03, 1.09, 2.03, 3.02, 3.03, 3.05–3.07, 3.12, 3.15–3.17, 3.24, 3.25</td>
<td>Employment standards policy</td>
<td>All</td>
<td></td>
</tr>
<tr>
<td>HR 5.11</td>
<td>Smoking in the workplace policy</td>
<td>All</td>
<td></td>
</tr>
<tr>
<td>HR 1.03</td>
<td>Conflict of interest policy</td>
<td>All</td>
<td></td>
</tr>
<tr>
<td>HR 1.17 and 5.19</td>
<td>Flexible work arrangements/ telecommuting policy</td>
<td>All</td>
<td></td>
</tr>
<tr>
<td>HR 3.01 and 3.13</td>
<td>Group benefits plan policy: health and life insurance</td>
<td>All</td>
<td></td>
</tr>
<tr>
<td>HR 1.20 and 5.06</td>
<td>Drug and alcohol policy</td>
<td>All</td>
<td></td>
</tr>
<tr>
<td>HR 4.05</td>
<td>Code of conduct policy</td>
<td>All</td>
<td></td>
</tr>
<tr>
<td><strong>Best practice policies</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HR 4.10</td>
<td>Dress code policy</td>
<td>All</td>
<td></td>
</tr>
<tr>
<td>HR 2.04</td>
<td>Performance management policy</td>
<td>All</td>
<td></td>
</tr>
<tr>
<td>HR 1.12, 1.19 and 1.21</td>
<td>Employee expense policy</td>
<td>All</td>
<td></td>
</tr>
<tr>
<td>HR 4.11</td>
<td>Whistleblower policy</td>
<td>All</td>
<td></td>
</tr>
<tr>
<td>HR 1.08</td>
<td>Confidentiality policy</td>
<td>All</td>
<td></td>
</tr>
<tr>
<td>HR 1.02</td>
<td>Hiring policy</td>
<td>All</td>
<td></td>
</tr>
</tbody>
</table>
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