

Operational Policy – March 2004

Revised June 2007

Area: Protection of Autism Ontario representatives and clients

Related Autism Ontario Board Executive Limitation Policy (Approved September 2001 by Autism Ontario Board of Directors)

Treatment of Autism Ontario Members and the General Public (Treatment of Stakeholders)

When interacting with Autism Ontario members and the General Public the Executive Director will not act in a way that misrepresents the values of Autism Ontario, or jeopardizes the image of the organization that has been established or is being sought by the board as a whole. Also, the ED will not cause or allow conditions that are unsafe, undignified, overly invasive, or that fail to provide confidentiality or privacy. (**Monitoring frequency:** Internal, Semi-annual)

Definitions of Abuse:

Abuse refers to any act or situation, which may be physical, verbal, sexual, psychological or financial in nature and which results in harm or creates the possibility of harm to a person receiving services or support. Abuse is the misuse of power, violation of rights and dignity or neglect.

Physical Abuse: A person has suffered physical harm either inflicted by a person supporting the individual or is caused by failure to adequately care, supervise, provide for or protect the individual.

Sexual Abuse: A person has experienced sexual assault, molestation, harassment or exploitation.

Psychological or Emotional Abuse: A person has been exploited, intimidated, threatened, subjected to degrading, humiliated, verbally assaulted, confined or punished.

Neglect: A person has been knowingly and wilfully neglected or deprived either physically, emotionally or mentally.

Financial Abuse: A person has been financially exploited or harmed by the improper or unauthorized conduct of another individual.

Operational Policy & Procedures – Abuse Prevention

1. Any Autism Ontario employee, board member, contract staff, Chapter-designated volunteer, or minor participating in an Autism Ontario program shall be free from physical, sexual, emotional or psychological abuse or harassment by any Autism Ontario employee, board member, contract staff or Chapter-designated volunteer in the course of performing any duty on behalf of Autism Ontario. Autism Ontario supports the conditions which constitute harassment as defined by the Ontario Human Rights Code and published by the Ontario Human Rights Commission (see Appendix A and Appendix B).
2. While Autism Ontario is committed to ensuring the safety and well-being of individuals participating in Autism Ontario-sponsored activities and in office locations across Ontario, Autism Ontario respects the privacy of all families, professionals, and community members associated with its organizational activities. Current Canadian privacy legislation as it applies to Autism Ontario, and as defined in Autism Ontario privacy policies and procedures is in effect for all Autism Ontario programs and activities.
3. Autism Ontario provides occasional parent-led and chapter-supported parent-relief, and short-term activity-based or skill-development programs, such as summer day camp within community based settings. All support and teaching procedures must be acceptable to the broader community. Accordingly, no procedures defined as intrusive by MCSS guidelines will be used or recommended by any Autism Ontario volunteer or employee. Although Autism Ontario is not bound by the Ministry of Community and Social Services and the Ministry of Children and Youth Services regulations regarding intrusive procedures, their definitions are useful in understanding the use of behavioural services that are considered intrusive [CFSA Part VI]. (An intrusive procedure is defined as an action or series of actions resulting in the restriction of freedom or movement, or reduction of visual, auditory or physical stimulation, or pain, or discomfort, or the risk of pain or discomfort. Such action is designed to affect a specific behaviour identified as impairing the child or causing him/her to suffer, and is employed with the goal of modifying or controlling the behaviour(s). Furthermore, those procedures identified as potentially intrusive or conditionally intrusive will not be used in any circumstances that are not naturally occurring and appropriate within the community context.
4. A Vulnerable Sector Security Check (police check) must be conducted and filed with Autism Ontario's provincial office of any person (which shows no evidence of potential risk to children or persons with disabilities) prior to their being paid or contracted as a volunteer by Autism Ontario for the purpose of providing any service which involves the parentally

approved supervision of a child under the age of 16 or person with ASD, in the absence of that person's legal guardian or parent. This includes Autism Ontario summer camp programs, after-school recreational programs, skills development programs, March Break or other holiday break programs, Cycle for Autism, or other similar events.

5. All volunteers must complete Autism Ontario's Volunteer Application Form which will be kept in a confidential file at the Autism Ontario designated office, or confidential file location for the appropriate chapter. A list of locations, in addition to the names of Chapter leaders who have access to the information, is kept at the Provincial office. This information may be used by Autism Ontario employees or volunteers responsible for the program to which the volunteer is assigned, for the purpose of contacting that individual, designating payment for expenses, or matching volunteer skills to volunteer opportunities.
6. Whenever Autism Ontario advertises a recreational or social activity specifically provided to families and their children, promotional advertising should indicate that childcare, for minors or dependent adult children with ASD, during the event is the responsibility of the child's parent, legal guardian, or parent designate.
7. The following information is gathered on any child or dependent adult and their family who is voluntarily participating in an Autism Ontario-sponsored program. Information will only be gathered as it relates to the specific program in which the child participates. This information is kept in a secure location indefinitely. Sharing of this documentation with other organizations is solely at the discretion of the parents, and not the responsibility of Autism Ontario staff or volunteers.
 - a. Parents' and children's full names, address, phone numbers for home and work, and email if appropriate.
 - b. For the participating child or dependent adult: DOB, other medical conditions (such as epilepsy), current medications and possible side effects, allergies, food sensitivities, or dietary restrictions; a brief profile of child's strengths and abilities, methods of expressive and receptive communication, sensory sensitivities, common patterns of behaviour relevant to the program in which the child will be participating, and any uncommon or unusual behaviours that may be exhibited by the child (such as running or other responses consistent with heightened anxiety in the child).
 - c. A copy of a parent-approved plans of support for contract staff or designated volunteers to assist with their child's self-help skills, such as toileting, or bathroom hygiene procedures, safety, dressing, meal-time, and/or hand-over-hand assistance where required for voluntary participation in group activities.
8. Children's or dependent adult program policies:
 - a. At least two adults must be present for all programs where parents have consented to programs for their children when they as parents are not present.

- b. Minors may volunteer for service provided an adult is present. Minors may not care for children without adult supervision.
 - c. Only adults may assist children or dependent adults with bathroom needs. For individuals who do not require assistance in the bathroom, the adult must remain outside the bathroom. For children who require assistance, the adult must leave the door ajar while assisting the child.
 - d. Children and dependent adults may not be removed from the designated program area by contract staff or volunteers, except for reasons such as bathroom use or in case of illness.
9. Copies of this policy will be given to all parents/guardians involved in any of the above activities.



Operational Policy & Procedures – Abuse Prevention related to other community groups

1. Autism Ontario will obtain a copy of other organization or service provider’s abuse prevention policy(ies) and procedures prior to Autism Ontario’s advertisement of its partnership or endorsement of a local community program where service which involves the direct instruction or supervision of a child under the age of 16 or dependent person with ASD, in the absence of that child’s legal guardian or parent.
2. Any non-Autism Ontario community program that Autism Ontario enters into a contractual agreement for services, such as camp, or skills group training event, must be provided with a copy of Autism Ontario’s abuse policy.
3. Copies of this policy will be given to all parents/guardians involved in any of the above activities.

Operational Policy & Procedures – Reporting Incidents

1. An incident may be defined as: accidents, injuries, assaults (or allegations), health issues/hospitalization, behaviour management situations, damage to property, threats, or complaints involving Autism Ontario staff, volunteers, consultants or clients that occur on Autism Ontario premises, rented premises, or during an Autism Ontario-funded program or event.
2. An incident becomes a Serious Occurrence when it involves:
 - Serious Injury
 - Any injury caused by the service provider (includes camp staff and programming volunteers)
 - A serious accidental injury received while in attendance at a service provider setting (such as in the Chapter office or spaces being used by the Chapter), and/or receiving service from the service provider (such as during camp, social skills programs, etc.)
 - An injury to a client which is non-accidental, including self-inflicted or unexplained injuries, and which requires treatment by a medical practitioner, including a nurse or dentist.
 - Use of a Physical Restraint
 - Complaint about a Service Standard
 - Complaint made by or about a Client
 - Missing Client
 - Alleged Abuse or Mistreatment
 - Disaster on Premises
 - Death
3. Each Chapter will appoint a lead person for each Autism Ontario summer camp program, after-school recreational program, skills development program, March Break or other holiday break program, Cycle for Autism, or other similar event. This lead person will act as the Designate. It is the Designate that decides if an incident is a Serious Occurrence or not. Designates complete/coordinate the completion of Incident Reports, notifies the On-Call Person and ensures that the forms are faxed to the Provincial Office. The Chapter will advise Provincial Office of the identity of the Designate.

4. All incidents and Serious Occurrence must be reported to the Provincial Office via an incident report.
5. Serious Occurrences involving death, disaster on premises, medical treatment, the involvement of emergency services and/or media must be reported to the On-Call person by the Chapter Designate within one hour.
6. All other Serious Occurrences must be reported to the On-Call person within 12-hours.
7. All other incidents must be reported to the On-Call person by the end of the next business day.
8. Provincial Office On-Call staff will escalate Serious Occurrences to the appropriate Ministry, as necessary.
9. Provincial Office On-Call staff will notify the Executive Director of any Serious Occurrences upon completion of the initial notification paperwork. The Executive Director will notify the President of the Board.
10. All incident reports and Serious Occurrence Reports will be kept in a secured file in perpetuity.
11. Copies of this policy will be given to all parents/guardians involved in any of the above activities.

Operational Policy & Procedures – Reporting Abuse related to a minor or dependent adult

1. Autism Ontario is committed to ensuring that all children participating in Autism Ontario programs do so in an abuse-free environment. Autism Ontario staff and volunteers have a legal obligation to report actual, potential or suspected circumstances of abuse as follows:
 - a. “Every person who believes on reasonable grounds that a child is or may be in need of protection must report promptly the belief and the information on which it is based to a Children’s Aid Society.”
2. For children over 16 years of age the report is to made to the police as assault; for children under 16 years the following procedure applies:
 - a. Volunteers and contract staff should report within one hour to the Autism Ontario Chapter Designate, *and* call the CAS. A note of the situation and actions taken should be made available to assist CAS investigations as necessary. The Designate will report the incident to the On-Call person, who will report it to the Executive Director.
 - b. The investigation is carried out by the CAS, not Autism Ontario. The professional must report abuse even when the information is supposed to be confidential or privileged. Failure to report is liable to a fine of up to \$1000.
3. In discussion with the CAS the staff shall determine the process to inform the family of the call to CAS, generally before the CAS contacts the family. No staff call should be made to the family if: the family is transient, there is suspected sexual abuse, or such a call would place the staff at risk from the family.
4. Copies of this policy will be given to all parents/guardians involved in any of the above activities.

Operational Policy & Procedures – Discrimination or Harassment

Harassment is defined as comments and/or conduct that are insulting, intimidating, humiliating, malicious, degrading or otherwise offensive to an individual or group. Autism Ontario subscribes to the Ontario Human Rights Code definitions of harassment including: written, verbal or physical abuse; unwelcome physical contact; sexually-oriented comments/threats; racial or ethnic slurs; or embarrassing practical jokes. (see Appendix A and/or Appendix B). Autism Ontario will address any form of discrimination and/or harassment based on ethnic origin, gender, sexual orientation, age, marital or family status, disability, creed, or religion.

Any individual – staff, volunteer or consultant – who believes s/he is being subjected to any form of workplace discrimination/harassment is expected to attempt the following steps [for staff-client [parent] harassment, see, *Complaints*]:

a) Informal procedure

- Inform the individual in person or in writing what behaviour is unwelcome and is perceived to be offensive [the individual may be unaware of this]
- If approaching the individual seems either inappropriate or embarrassing, consult the local Autism Ontario Chapter President. If the Chapter President is the alleged harasser, consult the Provincial Executive Director, or if s/he is the alleged harasser, consult the Autism Ontario Board President.

The designated contact will provide advice and facilitate approaching the harasser or exploring other possible resolution processes. The alleged harasser is permitted to reply and to stop the behaviour.

Written documentation of the incidents and the attempted resolution process should be kept by the individual alleging harassment and must be kept by the designated contact. Documentation should be dated and signed. Those who possess such written documents must maintain their confidentiality.

b) Formal procedure

If the attempted resolution is not satisfactory, or the behaviour continues despite the resolution process, or the complainant prefers it as a first step, a formal complaint may be lodged. This procedure shall include the following steps:

- A written complaint is lodged by the complainant with the Chapter President, Executive Director or Board President, depending on who the alleged harasser is. Apart from the right to consult a lawyer all complaints are treated in confidence. No action will be taken which will identify the complainant or the alleged harasser.
- Within five business days of receiving a written complaint an investigation shall be conducted by the appropriate management representative [or legal counsel where appropriate], and other designated parties. Procedures will reflect any applicable elements of the Ontario Human Rights Code.
- The investigation will include a joint or individual interview[s] with the complainant, alleged harasser, and any other persons who may be considered to provide pertinent information. Information will be documented and confidential.
- The Executive Director [or Board President] will review the findings of the investigation and take whatever action is deemed necessary. The Executive Director [or Board President] makes the final decision in the matter and all decisions are considered to be binding on all parties.
- The complainant will receive the results of the investigation within five business days of its completion and be informed of the right to file a complaint with the Human Rights Commission. Autism Ontario will co-operate fully with the officials of the Human Rights Commission investigating a complaint.

If, as a result of a grievance procedure, it is found that there is clear and factual evidence that there has been harassment, appropriate corrective measures will be taken, up to and including removal of the individual from his/her position, and/or dismissal. Relevant Autism Ontario Bylaws and Chapter Handbook or other Autism Ontario Board or Operational policies may impact subsequent steps. Copies of these documents are available from all Autism Ontario Chapters and the Provincial Office. The remedial action will not penalize the complainant. Documentation regarding the harassment and investigations will be recorded in both the harasser's personnel file and in a separate file retained by the Executive Director.

If, as a result of grievance procedures, there is clear and factual evidence that the complaint cannot be substantiated, it will not be recorded in the alleged harasser's personnel file.

All documentation regarding the alleged harassment and investigations will be maintained in a separate file for three years.

Copies of this policy will be given to all parents/guardians of individual involved in Autism Ontario programs or activities.

Appendix A

Ontario Human Rights Code (1990)

<http://www.ohrc.on.ca/english/publications/index.shtml>

(Quoted segment)

Employment

5. (1) Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status or disability. R.S.O. 1990, c. H.19, s. 5 (1); 1999, c. 6, s. 28 (5); 2001, c. 32, s. 27 (1).

Harassment in employment

(2) Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, same-sex partnership status, family status or disability. R.S.O. 1990, c. H.19, s. 5 (2); 1999, c. 6, s. 28 (6); 2001, c. 32, s. 27 (1).

Vocational associations

6. Every person has a right to equal treatment with respect to membership in any trade union, trade or occupational association or self-governing profession without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, same-sex partnership status, family status or disability. R.S.O. 1990, c. H.19, s. 6; 1999, c. 6, s. 28 (7); 2001, c. 32, s. 27 (1).

Sexual harassment

7. Harassment because of sex in workplaces

(2) Every person who is an employee has a right to freedom from harassment in the workplace because of sex by his or her employer or agent of the employer or by another employee. R.S.O. 1990, c. H.19, s. 7 (2).

Sexual solicitation by a person in position to confer benefit, etc.

(3) Every person has a right to be free from,

(a) a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or

(b) a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person. R.S.O. 1990, c. H.19, s. 7 (3).

Appendix B

**Reference Material: Content of Brochure on Sexual Harassment,
available on-line from
Ontario Human Rights Commission (2004)**

<http://www.ohrc.on.ca/english/guides/sexual-harassment.shtml>

"Sexual harassment" means that someone is bothering you by saying or doing unwanted or unwelcome things of a sexual or gender-related nature. For example, someone who makes unwelcome sexual or gender-related remarks and gestures by:

- touching you inappropriately
- making offensive jokes or remarks about women or men
- making sexual requests or suggestions
- staring at or making unwelcome comments about your body
- displaying sexually offensive pictures
- being verbally abusive to you because of your gender

Sexual harassment does not have to be sexual in nature. It can also mean that someone is bothering you simply because you are a man or a woman. Making stereotypes about one gender or the other can be a form of sexual harassment.

Sexual harassment happens most often to women, but it can also happen to men or between members of the same sex. Usually sexual harassment is a pattern of behaviour that happens frequently over a period of time. However, a single incident can be serious enough to be considered harassment as well.

WHEN IS IT HARASSMENT?

Sexual Harassment in Employment and Housing:

- Someone says or does something to you of a sexual nature that you do not welcome. This includes behaviour that a person knows or ought to know you do not welcome.
- Your boss, landlord, or other authority figure uses their position of power to sexually harass you. By being in a vulnerable situation, it is difficult for you to speak out about the situation. The person in authority uses the position to help them get away with unwelcome sexual comments or actions.

Sexual Solicitation or Advance:

- A person suggests that if you become sexually involved with him or her, he or she will give you a better grade or some other type of incentive.

Sexual Harassment and Reprisal:

- A person who has authority or power denies you something important, punishes or threatens you for refusing a sexual request, or for complaining about inappropriate sexual behaviour or comments.

Sexual Harassment and a "Poisoned Environment":

- Sexual harassment can have a bad effect on, or "poison", the places where you live, work or receive services. Even if the harassment is not directed at you, it can still poison the environment for you or others.

How do you know if the environment is poisoned? One way is to look at the effect of negative comments or actions. For instance, if certain sexual or gender-related comments or actions make you or others feel uncomfortable in the workplace or unwilling to return to work, this could indicate that the work environment is poisoned.

WHAT CAN I DO?

If you have been harassed, you could try to tell that person to stop.

If it happens at work, one thing you can do is speak to the person's boss or tell your union representative. If it happens in your building, you can notify your landlord. Although you can try to make the harassment stop, it is not your responsibility alone.

Employers, contractors, professional associations, unions, and people who provide rental housing accommodation and other services, have to make sure that sexual harassment does not occur on their property, in their workplaces, or in their facilities.

SEXUAL HARASSMENT CAN LEAD TO VIOLENCE

Silence or doing nothing will not typically make sexual harassment go away and sometimes such behaviour can lead to violence. If you feel uncomfortable or threatened, speak to a person in authority about it (a supervisor, the owner of the store, *etc.*). You can choose to contact the **Ontario Human Rights Commission** to make a complaint. Where harassing behaviour makes you feel like you're in danger or leads to violence, you should call the police.