



**Item No. 20**

December 2, 2011

To: The Board of Governors of Exhibition Place  
From: Dianne Young, Chief Executive Officer  
Subject: **New Exhibition Place Polices**  
**– Employment Accommodation and Social Media**

Summary:

This report recommends that the Board approve two new policies entitled “Employment Accommodation” and “Social Media”.

The HR Division undertook a review of the Personnel Manual in 2011 and determined that two additional policies are required.

**Recommendation:**

**It is recommended that the Board approve of the “Employment Accommodation” and “Social Media” Policies attached as Appendix “A” and “B”.**

Financial Impact:

The new policies will have no financial impact beyond what has already been approved in the 2011 Operating Budget.

Decision History:

As part of the 2009 Strategic Plan, Exhibition Place has a Goal of *Sustaining a high-performing organization through alignment of people, processes and systems and through the recognition of our dedicated and excellent staff* and pursuant to that Goal will *continuously improve governance mechanisms including auditing City Council meetings* and amend by-laws and policies, if required, in keeping with City Council and other municipal agencies.

At its meeting of November 3, 2006, the Board approved a consolidated Personnel Manual for Exhibition Place employees, wherein such manual was reviewed and a determination was made that two new policies for employees was required.

Issue Background:

The new policies Appendix “A” and “B” are attached to this report and a summary of each policy is noted below:

(A) Employment Accommodation Policy:

To ensure Exhibition Place follows best practices in compliance with the final regulations set out under the *Accessibility for Ontarians with Disabilities Act*.

(B) Social Media Policy:

The HR Division recognizes the rise of Social Media as both a viable business tool and as a popular networking option used by a larger number of staff. For the purposes of best practices, the Social Media policy outlines the processes which staff must follow should they desire to use it for Exhibition Place related business ventures, and includes the expectations of Senior Management as it relates to employee conduct for staff that identifies themselves as Board employees on their various personal Social Media outlets.

Contact

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Submitted by:

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Dianne Young  
Chief Executive Officer



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Exhibition Place values individual differences, respects individual needs, and supports accessibility, diversity and fairness in our treatment of all individuals. The goal of the Exhibition Place’s Employment Accommodation Policy is to establish and maintain an inclusive workplace, and to provide workplace accommodation as required under the Exhibition Place Accessibility Policy and the Ontario Human Rights Code. Exhibition Place recognizes its duty to accommodate to the point of undue hardship, and commits itself to an accommodation process that occurs as quickly and confidentially as possible.

**Definitions**

**Barriers** – Individuals can experience discrimination as a result of physical (building design), attitudinal (stereotypes or prejudices) or systemic barriers. Systemic barriers in the workplace are formal or informal policies, practices or rules which, when applied in the same way to everyone, may have the effect of unfairly excluding or restricting the participation of some individuals, e.g., a work schedule that conflicts with religious observance days.

**Duty to Accommodate** – The obligation of an employer to take steps to eliminate the disadvantage caused by systemic, attitudinal, or physical barriers that unfairly exclude individuals or groups protected under Exhibition Place’s Accessibility Policy and Ontario Human Rights Code (see protected grounds).

**Employment Accommodation**

**Universal Accommodation** - The process of identifying and eliminating barriers for everyone. This can be done by modifying facilities, policies, programs, procedures and practices, and ensuring that potential barriers are identified and resolved before engaging in new corporate actions. Refer to the Accessibility Policy for further information regarding Exhibition Place’s position on identifying and removing artificial and systemic barriers to full employment.

**Individual Accommodation** - An adaptation or adjustment that may be required to enable an employee to perform his or her essential job responsibilities effectively. This may involve purchasing equipment, changing some duties or hours of the employee, reassignment of the employee, or provision of specific services such as providing attendant care or sign language interpretation. Each situation must be considered individually in order to assess appropriate accommodation. Requests for employment accommodation must be dealt with quickly and effectively so employees can fully participate in all aspects of employment and recruitment, except where undue hardship can be demonstrated.

**Return to Work Process** – Exhibition Place will make every effort to accommodate an employee in the return to work process in the event an employee suffers from an injury or illness.

**Protected Grounds** – Under the Ontario Human Rights Code (the Code), every person has the right to equal treatment with respect to employment on the basis of: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status, or disability.

**Accessible Formats and Communication Supports** – Where a disabled employee request it, Exhibition Place will be required to consult with the employee to provide or arrange to provide accessible formats and communication supports for the information needed to perform his or her job and information that is generally available to other employees. In determining the suitability of an accessible format or communication support, Exhibition place will consult with the employee making the request.

**Workplace Emergency Response Information** – In accordance with the organizations overall emergency plan, Human Resources will meet with any employee who has indicated that they have a disability and may need special assistance in the event of an emergency. During this consultation, a process will be developed to ensure the safety of the employee. Any other affected parties, Security, Fire Wardens, Co-workers, will be notified of the assistance needed if the disabled employee consents.

**Undue Hardship** - Refers to the extent to which an employer must attempt to accommodate the needs of an employee on grounds protected under the Ontario Human Rights Code. Accommodation requires more than a minimal effort on the part of Exhibition Place. As an employer, Exhibition Place must take all reasonable steps to see if an employee can be accommodated in the workplace. However, there are limits on how much Exhibition Place is required to do in accommodating an employee. If Exhibition Place can show that further efforts to accommodate would create significant hardship for it as an employer, Exhibition Place has met its legal obligations.

The three factors under the Code that are considered in determining undue hardship are:

- 1) Cost of the accommodation, i.e., whether or not the cost threatens the viability of the Exhibition Place;
- 2) Outside sources of funding; and
- 3) Health and safety requirements. Other factors may also be relevant and the case law in this area is always evolving. Each accommodation situation must be assessed on its own set of circumstances to determine if Exhibition Place has reached the point of undue hardship.

**Dignity & Privacy** - Individuals must be accommodated in ways that respect their dignity, worth, and right to privacy in the workplace. All information relating to specific requests for accommodation will be treated as confidential and will only be used for the purpose of meeting accommodation requirements. Exhibition Place will comply with all privacy, confidentiality and security requirements of the Municipal Freedom of Information and Protection of Privacy Act.



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## Purpose

The Application of Exhibition Place Policies to Social Media Use:

- Identifies existing Exhibition Place policies and guidelines, and provincial and federal legislation, that apply to the use of social media by Exhibition Place employees;
- Provides guidance for the use of social media for business and personal purposes; and
- Sets out the approval process for the use of social media for Exhibition Place business purposes.

## Approval Process

Exhibition Place employees must obtain approval to use social media for all Exhibition Place business purposes. This includes using social media to gather information, represent Exhibition Place in online interactions and manage a site/account to support an Exhibition Place initiative. To obtain authorization, a business case must be completed and approved by the General Manager of the respective department. If the proposal will have a financial impact, the Chief Financial Officer must also approve.

## Applicable Policies, Guidelines and Legislation

Exhibition Place employees are subject to Exhibition Place policies and related legislation when using social media just as they are in other work situations. Employees should be aware that when using social media for work purposes, the breach of applicable Exhibition Place policies and related legislation is subject to disciplinary action up to and including dismissal. One purpose of this document is to assist employees who are using social media to comply with existing applicable Exhibition Place policies and related legislation.

Posts and contributions on social media sites or accounts can be considered business transactions and thereby create Exhibition Place records. For example, posts that place Exhibition Place under any obligation or collect personal information are considered Exhibition Place records. However, other posts are not considered business records, such as posts that provide information that is already public or seek public input. Exhibition Place employees approved to use social media are required to recognize business transactions as Exhibition Place records and to take appropriate action for their retention.

Because records on external social media platforms are not within the control of Exhibition Place, business transactions on these sites must be avoided. These types of platforms include Blogger, Facebook, Twitter, YouTube, Flickr, LinkedIn, MySpace and others. Rules for identifying and managing Exhibition Place records are detailed in the Municipal Code, Chapter 217 – Corporate Records.

Confidential information about Exhibition Place or personal information cannot be posted as set out in Exhibition Place’s Conflict of Interest Policy, the Municipal Freedom of Information and Protection of Privacy Act and the Personal Health Information Protection Act.

The use of Exhibition Place Information and Technology resources to access social media are governed by the Revised Computer/Telephone Usage Policy.

## **Responsible Conduct When Using Social Media for City Business Purposes**

When using social media for Exhibition Place business purposes employees should conduct themselves as they would in any other work situation and protect Exhibition Place's image and reputation. They should govern themselves as they would in a meeting, conference or public event.

Exhibition Place reserves the right to monitor content posted on social media sites or accounts and to modify or remove any postings that it deems, in its sole discretion, to be in contravention of any Exhibition Place policies or guidelines or relevant Provincial and Federal legislation.

For external (i.e. non-City) social media platforms, Exhibition Place employees must comply with the terms and conditions of use that have been established by the service provider.

## **Keep Work and Personal Uses Separate**

Social media can be used for a variety of purposes, and some employees use it in both their work and personal lives. While conducting Exhibition Place business, employees should only use social media accounts set up specifically for work purposes. The Personal Use of Social Media section outlines considerations when using social media for personal purposes.

## **Be Transparent and Accountable**

The public expects that employees are identifiable and accountable in the course of their duties. When using social media for business purposes, employees should disclose their true identity and affiliation with Exhibition Place.

Communication in social media sites or accounts should always be considered public and permanent. Online communities are not private; postings may be accessed by a wider audience than intended or copied by others and posted elsewhere without the author's permission or knowledge.

Exhibition Place managed social media sites or accounts are official Exhibition Place web sites or accounts and should be easily identifiable as such.

## **Be Clear and Purposeful in Your Communication**

When representing Exhibition Place, employees should write and post about their areas of expertise. Reserve comment and refer questions to knowledgeable staff, and only respond to media inquiries if authorized to do so.

Avoid contributions, postings or comments unrelated to the social media site's purpose including extraneous hyperlinks to material. Avoid transmitting commercial content, spam, or confusing, misleading or out-of-date information.

## **Be Respectful of Others**

Privacy, libel and human rights laws and policies apply to social media sites or accounts as they do to verbal, hand-written or printed communications. Do not post obscene or racist content; personal attacks, insults or threatening language; or potentially libelous statements. Moderators must remove postings of this nature.

Do not post documents, logos, photographs, graphics or other materials owned by other individuals or external organizations without written permission, unless such postings fall under an exception to copyright protection.

## **Seek to Collaborate and Engage**

Social media can enhance collaboration among Exhibition Place staff, facilitate information sharing and support dynamic discussions with the public. It can provide opportunities to enhance outreach and inclusion, engaging individuals, communities and groups that may not otherwise participate in Exhibition Place initiatives.

Existing Exhibition Place managed social media sites or accounts provide an established window for communication with the public. Employees should encourage, support and participate in Exhibition Place managed sites or accounts and coordinate their activities with the site's sponsor (e.g. divisional staff wanting to post videos to Exhibition Place's Facebook Page).

## **Personal Use of Social Media**

Exhibition Place acknowledges that employees, in their private capacity as a citizen, may use social media to share information and communicate with friends, family and co-workers.

Employees using social media for personal purposes should consider the following:

- An individual using social media may be identified as an Exhibition Place employee by the posting of their name, their place of work, their photograph, or by the content they post.
- Identifiable Exhibition Place employees should make it clear when discussing Exhibition Place-related matters, that their position does not officially represent Exhibition Place's position. This can be accomplished by using phrases such as "in my personal opinion" or "Personally...".
- Employees must avoid placing themselves in a conflict of interest, including revealing confidential or privileged Exhibition Place information, as described in the Exhibition Place's Conflict of Interest Policy.
- Employees must abide by the Fraud and Other Similar Irregularities Policy, Workplace Harassment Policy and other applicable Exhibition Place policies that govern employee behaviour.
- Employees must not reveal personal information gained through work, such as client or employee information, as described under Exhibition Place's Conflict of Interest/Code of Conduct Policy.
- Employees should not identify and comment about other Exhibition Place employees without their consent.
- Employees should avoid the appearance of officially representing Exhibition Place on their personal sites or accounts. They must avoid posting Exhibition Place-owned identifiers including logos, photographs, graphics or other media without Exhibition Place's authorization.