

Policy Manual on Harassment, Discrimination and Workplace Violence

PURPOSE

This policy is established to protect employees from harassment, discrimination, workplace violence and workplace sexual harassment. It applies to all employees, contractors, consultants, temporary staff and management personnel whether full-time, part-time or temporary.

This policy is intended to comply with applicable occupational health and safety legislation, employment standards legislation and human rights legislation.

This policy applies to conduct occurring within the workplace, during work-related activities, during remote work, and during work-related electronic communications including email, text messaging, video conferencing platforms and social media communications connected to the workplace.

For greater certainty, workplace violence is deemed to include workplace sexual harassment.

Workplace sexual harassment includes:

- engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the conduct is known or reasonably ought to be known to be unwelcome;
- making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and knows or reasonably ought to know that the solicitation or advance is unwelcome.

The company maintains a zero tolerance view to harassment, discrimination and workplace violence in the exercise of workplace duties or in connection with any work-related activity.

All complaints and reported incidents will be taken seriously and investigated in a timely, impartial and fair manner.

Confidentiality will be maintained to the extent reasonably possible consistent with the requirements of a fair investigation and applicable legal obligations.

Management employees are responsible for creating and maintaining a workplace free from harassment, discrimination and violence. Management personnel who become aware of potential violations of this policy are expected to take prompt and appropriate action.

A failure by management to respond appropriately to workplace misconduct may itself result in corrective action.

This policy governs three categories of prohibited conduct, namely:

1. Personal Harassment;
2. Violations of Human Rights Legislation, including Sexual Harassment;
3. Workplace Violence.

PERSONAL HARASSMENT

The day-to-day exercise of management responsibilities is expected to be conducted in a professional and respectful manner.

Bullying, intimidation, coercion, hostile conduct, abuse of authority, degrading comments, threats, repeated unwelcome conduct, or inappropriate electronic communications which reasonably undermine an individual's dignity, psychological well-being or self-respect are prohibited.

Harassment may occur verbally, physically, visually, electronically or through workplace messaging platforms and social media.

Harassment does not include legitimate workplace direction, performance management, work assignments, performance reviews or appropriate disciplinary action exercised in good faith.

VIOLATIONS OF HUMAN RIGHTS LEGISLATION

The protected grounds of discrimination under the applicable human rights legislation include race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, marital status, family status, disability, sex, sexual orientation, gender identity, gender expression and any other protected ground recognized by applicable law.

The company expects every employee to honour the principles enshrined in applicable human rights legislation and to respect one another and ensure equal treatment to all employees.

The company recognizes its duty to reasonably accommodate employees protected under applicable human rights legislation to the point of undue hardship.

Accommodation requests may relate to disability, religion, family status, pregnancy or other protected grounds recognized by law.

Employees requesting accommodation are expected to cooperate reasonably in the accommodation process, including the provision of reasonably necessary supporting information.

Sexual harassment is unwelcome conduct which may include words, gestures, physical contact, sexual advances, requests for sexual favours, suggestive electronic communications, or conduct creating an intimidating or poisoned work environment.

A single serious incident may constitute workplace sexual harassment.

Retaliation or reprisal against any individual for making a complaint, participating in an investigation, requesting accommodation or raising workplace concerns in good faith is strictly prohibited.

A complaint made in good faith will not attract discipline merely because the complaint is not substantiated.

Deliberately false, malicious or bad faith complaints may result in disciplinary action.

Actions against a person based upon a perceived protected characteristic are prohibited whether or not the perception is accurate.

Examples of prohibited conduct may include racial or ethnic slurs, discriminatory jokes, degrading comments relating to protected characteristics, insulting comments concerning age, religion, disability, sexual orientation or gender identity, or the display of offensive or sexually suggestive material.

WORKPLACE VIOLENCE

Any incident in which an employee is threatened, intimidated, coerced, bullied, assaulted or injured relating to a workplace issue, whether occurring within the physical workplace or elsewhere in connection with work activities, is covered by this policy.

Workplace violence includes threatening statements, intimidation, stalking, physical assaults, aggressive behaviour, intentional property damage, or conduct which causes an individual reasonably to fear for his or her personal safety.

The prohibited conduct may occur verbally, physically, in writing, electronically, digitally or through physical gestures.

Every employee is expected to report incidents of workplace violence of which he or she becomes aware.

MANDATE

The company is committed to maintaining a safe workplace free from threats, harassment, discrimination and violence.

All reported incidents will be thoroughly investigated.

Appropriate support and assistance may be provided to persons affected by prohibited conduct.

Any employee found to have violated this policy will be subject to appropriate corrective or disciplinary action, up to and including termination of employment for cause where warranted.

The Director of Human Resources is designated as the coordinator of this policy and is responsible for its administration and implementation.

THE COMPLAINT

An employee who believes he or she has experienced conduct contrary to this policy is encouraged to report the matter promptly.

Where appropriate, an employee may first advise the respondent that the conduct in question is unwelcome and request that the conduct cease.

Alternatively, or in addition, a formal complaint may be made to the Director of Human Resources. The complaint should identify:

- the nature of the allegations;
- the name of the respondent;
- relevant dates and events;
- any steps taken to address the conduct;
- the names of potential witnesses;
- any relevant supporting documentation.

Should the complaint involve the Director of Human Resources, the complaint shall be directed to another designated member of senior management.

The company will make reasonable efforts to protect the privacy of all individuals involved in the complaint process. Information obtained during an investigation will only be disclosed where necessary for the purposes of the investigation, corrective action, legal compliance or procedural fairness.

Employees are encouraged to maintain contemporaneous notes and preserve relevant documentation.

Nothing in this policy is intended to discourage an employee from:

- filing a complaint under applicable human rights legislation;
- contacting law enforcement authorities;
- seeking medical assistance;
- obtaining legal advice;
- pursuing any other legal remedy available by law.

THE INVESTIGATIVE PROCESS

The Director of Human Resources shall appoint an impartial investigator where appropriate.

The investigator shall advise the respondent of the nature of the allegations and provide an opportunity to respond.

The investigator may interview the complainant, the respondent and relevant witnesses, and review relevant documents or electronic communications.

Employees are expected to cooperate honestly and fully in workplace investigations.

Witnesses are expected to maintain confidentiality and avoid discussing their evidence with other witnesses where possible.

The investigator shall conduct the investigation in a fair and impartial manner.

Findings shall generally be determined on the balance of probabilities.

At the conclusion of the investigation, the investigator shall prepare a report setting out findings and conclusions.

The investigator may conclude that:

- the complaint is substantiated;
- the complaint is not substantiated;
- the complaint was made in bad faith.

The investigator does not determine discipline unless specifically authorized to do so.

The company reserves the right to determine and impose appropriate corrective or disciplinary action.

The complainant and respondent shall be advised that the investigation has been completed and that appropriate action, if any, has been taken.

PROCEDURAL FAIRNESS

The investigation process is intended to provide a fair, timely and impartial internal review of workplace concerns. It is not intended to replicate a court proceeding.

Parties may obtain independent legal or professional advice if they choose to do so.

The company reserves the right to determine the appropriate procedures applicable to each investigation depending upon the nature and seriousness of the allegations involved.

PUBLIC DOCUMENT

This policy shall be accessible to all employees and maintained in a location reasonably available to workplace personnel.

Employees shall have access to this policy at all reasonable times.

This policy shall be reviewed periodically and at least annually where required by applicable legislation.

DOMESTIC VIOLENCE

Employees are encouraged to report concerns relating to domestic violence that may create a workplace safety risk.

Where the company becomes aware of a risk of domestic violence that may affect the workplace, reasonable precautions will be taken to protect workplace safety.

WORKPLACE RELATIONSHIPS AND CONFLICTS OF INTEREST

Personal or romantic relationships that create an actual, potential or perceived conflict of interest, reporting imbalance, favouritism concern or workplace disruption must be disclosed to Human Resources or senior management.

Management employees are prohibited from engaging in romantic or intimate relationships with employees over whom they exercise direct reporting authority, performance evaluation authority, disciplinary authority or significant workplace influence.

The company reserves the right to implement reasonable workplace measures to address conflicts of interest or operational concerns arising from workplace relationships.

A failure to comply with this provision may result in disciplinary action.