Genetic Information Non Discrimination Policy



1. **PRINCIPLES**

The DNA inside our cells are like fingerprints that contain comprehensive information about how our individual bodies function. Use of genetic testing enables us to access this information to assess our unique health characteristics, risks and vulnerabilities and design individualized plans to prevent, manage and treat the diseases and disorders that we may suffer. However, genetic testing information can also be used for discriminatory purposes that are not beneficial to the individuals being tested. For example, employers may seek to use genetic screening to identify and exclude individuals at genetically high risk of certain diseases as a way to manage their workers compensation or health insurance costs. Individuals may also be subject to harassment because of their own or a close family member's genetic characteristics.

2. **POLICY**

ABC Company condemns genetic discrimination and regards it as being in direct conflict with the Company's core human values and commitment to provide a workplace free of discrimination and harassment for all. ABC Company will not engage in or tolerate genetic discrimination or harassment and will hold individuals who engage in such conduct fully accountable and subject to discipline, up to and including termination, in accordance with the ABC Company Antidiscrimination Policy and Progressive Discipline Policy.

3. **PURPOSE**

The purpose of this Policy is to establish clear ground rules regarding genetic discrimination and harassment so that all employees understand what is and is not acceptable; and

4. **DEFINITIONS**

For purposes of this Policy:

“Genetic discrimination” (aka, “genetic information discrimination”) means any conduct, decision-making, actions or distinctions based on a person’s genetic characteristics or genetic test results relating to any aspect of employment, including but not limited to hiring, firing, pay, job assignments, promotions, layoffs, training, compensation or fringe benefits;

“Genetic information” includes information about an individual’s genetic tests and the genetic tests of an individual’s family members, as well as information about their family medical history or manifestation of a disease or disorder in an individual’s family members, particularly where it is used to determine whether an individual is at higher risk of getting a disease, disorder or condition. Genetic information also includes an individual’s request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual, and the genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

“Genetic test” means a test that analyzes a person’s DNA, RNA or chromosomes for purposes of predicting disease, assessing transmission risks, and/or monitoring, diagnosis or prognosis;

“**Harassment,”** as used in this Policy, means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome on the basis of the victim’s genetic information, including but not limited to derogatory remarks, acts or threats of violence, bullying and intimidation.

5. **NO COMPULSORY GENETIC TESTING**

ABC Company will not require any job applicant or employee to undergo genetic testing or to disclose the results of any previous genetic tests performed on the job applicant or employee. Nor will ABC Company terminate, lay off, suspend, demote, discipline, withhold pay or benefits, or impose a financial or any other penalty on an employee:

- On the basis of the results of genetic tests done on the employee;
- Because the employee refused an ABC Company request to undergo genetic testing; or
- Because the employee refused to disclose the results of a genetic test.

6. **COLLECTION OF GENETIC INFORMATION**

ABC Company will not seek to collect or ask job applicants or employees to provide genetic information except where such collection:

- Is part of health or genetic services, including wellness programs, offered by ABC Company on a voluntary basis;
- Is necessary to determine the employee’s eligibility for family caregiver or other forms of leave; and
- Is be acquired via a genetic monitoring program required by law or collective agreement that monitors the biological effects of toxic substances in the workplace.

While ABC Company recognizes that it is possible to acquire genetic information through commercially and publicly available documents like newspapers, the Company will not search and employees are prohibited from searching such sources with the intent of finding genetic information or accessing sources from which genetic information is likely to be acquired (such as websites and on-line discussion groups that focus on issues such as genetic testing of individuals and genetic discrimination).

7. **CONFIDENTIALITY OF GENETIC INFORMATION**

ABC Company will keep any genetic information it collects confidential in a secure and separate file and not disclose such information to third parties without the employee’s consent, except where disclosure is permitted or required by law.

8. **GENETIC DISCRIMINATION COMPLAINTS**

Job applicants and employees may report complaints of genetic discrimination they experience or witness following the procedures set out in the ABC Company Nondiscrimination and Harassment Policy. Such complaints will be investigated and processed in accordance with such Policy.

9. **ASSURANCE OF NON-RETALIATION**

ABC Company will not terminate fire, demote, harass or otherwise retaliate against a job applicant or employee for filing a charge of genetic information discrimination, participating in a discrimination proceeding (such as a discrimination investigation or lawsuit), or otherwise opposing discrimination.

10. **DISCIPLINE**

Where acts of genetic discrimination or harassment are shown to have occurred, they will not be tolerated and will be responded to with appropriate disciplinary action, up to and including termination, based on a thorough investigation of the incident and the surrounding circumstances. Such disciplinary action may include immediate termination, even if the person committing the act has committed no prior offences.