

# Respectful Workplace Policy



## **1. POLICY STATEMENT**

### **Our commitment to a safe and respectful environment**

The “Corporation” is committed to fostering a discrimination, harassment, and violence-free workplace where all people are treated with respect and dignity, in a healthy, safe and productive work environment. We strive to create and maintain a work environment characterized by mutual trust and the absence of intimidation, discrimination, oppression, and exploitation. Employees of the Corporation should be able to work and learn in a safe yet stimulating atmosphere.

The objective of this Respectful Workplace Policy (this “Policy”) is to educate, prevent, identify, and correct conduct which may result in workplace-related discrimination, harassment or violence.

No one who conducts business with the Corporation should tolerate any form of discrimination, harassment, or violence. Likewise, no one has the right to discriminate, harass or be violent, towards anyone else, at work or in any situation related to employment.

The Corporation will not tolerate discrimination, harassment including sexual or psychological harassment, threats, violence, or any disrespectful or inappropriate behavior in the workplace.

The Corporation will take appropriate and immediate action in response to complaints or knowledge of violations of this Policy.

## **2. SCOPE OF POLICY**

This Policy applies to all current employees of the Corporation and its subsidiaries (unless such subsidiary has a similar policy in place), including senior managerial personnel and full-time, part-time, contract, student, trainee, permanent and temporary employees (collectively, the “Corporation Personnel”).

This Policy also applies to situations in which Corporation Personnel experience discrimination, harassment, or violence in the workplace (defined below) by individuals who are not Corporation Personnel, such as contractors, consultants, clients, job applicants, suppliers or visitors. The “workplace” includes any location

in which Corporation Personnel are engaged in work-related activities, including, but not limited to, Corporation premises and surrounding perimeter including parking lots, sidewalks and driveways, off-site meetings, conferences or training sessions, client locations, work-related travel, social situations related to work and communications via telephone, email or social media.

### **3. DEFINITIONS**

#### **General Workplace Conflicts**

General workplace conflict refers to conflict of a broad nature that affects a person's ability to work. It is not conflict that falls into the categories of workplace harassment. Conflict in the workplace occurs for a variety of reasons, which can include:

- Differences in working styles, communication styles etc.,
- Differences regarding personal space, workspaces, etc.,
- Gossiping and rumors

A persistent conflict can often lead to an unhealthy and unproductive work environment for the individuals involved, and often those around them. Often these conflicts can be avoided by early and open communication between the parties involved. In cases where informal efforts to resolve a conflict do not succeed parties may use the firm's conflict resolution processes.

#### **Workplace Harassment**

The following section defines the types of conduct that are considered inappropriate in the workplace. If **personnel** encounters or observes inappropriate conduct, they may initiate one of the processes in the conflict resolution flowchart.

- **Workplace Harassment Definitions**

Workplace harassment consists of comments or actions that a reasonable person would find objectionable or unwelcome and which serve no work-related purpose. It may occur during a single incident or over a series of incidents.

Some actions may not be considered harassment unless repeated. Additionally, workplace harassment does not include actions taken in good faith while exercising managerial/supervisory roles and responsibilities (such as an appropriately conducted performance review).

In this policy the following types of conduct or comments, whether written, verbal, or visual (including electronic communication) are considered workplace harassment and are unacceptable:

- **Discrimination**

Discrimination is any unwelcome practice, comment, or behavior, whether intentional or not, based on any one or more of the following protected grounds age, ancestry, place of origin, color, family status, marital status, mental disability, physical disability, source of income, race, religious belief, gender, or sexual orientation: when such conduct might reasonably be expected to cause insecurity, discomfort, offence or humiliation to another person or group.

- when submission to or rejection of such conduct is used as a basis for any

- employment decision including, but not limited to, matters or promotion, raise in salary, job security or benefits affecting the employee and evaluation; or
- when such conduct has the purpose or the effect of interfering with a person's work performance or creating an intimidating, hostile or offensive work environment.

#### **Examples of Discrimination:**

- derogatory or demeaning comments, jokes, slurs, posters, cartoons etc.
- innuendo, taunting or ostracizing an employee based on the protected grounds
- an employment decision based on a protected ground that adversely affects an employee
- Sexual Harassment**

For the purposes of this policy "sexual harassment" is defined as one or a series of incidents involving unwanted and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- when such conduct might reasonably be expected to cause embarrassment, insecurity, discomfort, offence or humiliation to another person or group.
- when submission to such conduct is made either implicitly or explicitly a condition of employment.
- when submission to or rejection of such conduct is used as a basis for any employment decision (including, but not limited to, matters of promotion, raise in salary, job security or benefits affecting the employee); or
- when such conduct has the purpose or the effect of interfering with a person's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment most commonly occurs in the form of behavior by men towards women; however, sexual harassment can also occur between men, between women, or as behavior by women towards men.

#### **Examples of Sexual Harassment:**

- sexist jokes causing embarrassment or offence, told or carried out after the joker has been advised that they are embarrassing or offensive, or that are by their nature clearly embarrassing or offensive.
- leering, staring, gesturing of a sexual nature
- the display of pictures, cartoons, sayings of a sexual nature that present the subject stereotypically or in a degrading manner.
- sexually degrading words used to describe a person.
- drawing attention to a person's gender and having the effect of undermining the person's role in a professional and business environment.
- derogatory or degrading remarks directed towards members of one gender or one sexual orientation.
- sexually suggestive or obscene comments or gestures.
- unwelcome sexual flirtations, advances, or propositions, including repeated unwelcome invitations to socialize.
- unwelcome inquiries or comments about a person's sex life.
- persistent unwanted contact or attention after the end of a consensual relationship.
- requests for sexual favors.
- unwanted touching.
- verbal abuse or threats; and
- sexual assault.
- Personal Harassment**

Personal harassment in the workplace is a breach of the implied term of the employment relationship that an employer will provide its employees with an environment that is civil, decent and respectful. Personal harassment is conduct:

- that a reasonable person would consider unwelcome
- results in the recipient feeling intimidated, humiliated or embarrassed
- negatively affects work performance, and
- creates a hostile work environment

### **Examples of Personal Harassment**

- actions that are intimidating, threatening or coercive
- swearing, yelling, screaming
- patronizing and insulting remarks, ex: regarding an employee's intelligence
- berating an individual publicly
- deliberate conduct to humiliate, demean or degrade someone
- bullying behavior such as name calling, spreading of malicious rumors, causing social isolation
- continuous threats of unwarranted discipline or loss of job
- intimidating gestures such as slamming doors, throwing objects
- excessive and unreasonable monitoring of employment responsibilities
- cutting the employee out of the communication loop or withholding information they require to perform their job, ex: not sending or responding to memos, intentionally not advising the individual of meetings they should attend, not sending or answering necessary e-mail
- **retaliation**

Retaliation is any action taken against an individual in retaliation for:

- having invoked this policy whether on behalf of oneself or another individual;
- having participated or cooperated in any investigation under this policy; or
- for having been associated with a person

## **4. WHAT IS NOT PSYCHOLOGICAL HARASSMENT**

The following conduct **DOES NOT** constitute psychological harassment:

- The normal and reasonable exercise of supervisory and management rights and responsibilities including, but not limited to, job assignments, working hours, performance reviews, work evaluations and disciplinary action;
- Differences of opinion;
- Minor disagreements between an employee and another person; and
- Isolated incidents of rudeness.

## **5. ROLES AND RESPONSIBILITIES**

### **The Corporation's Obligations**

In accordance with the applicable laws and regulations, all employees have the right to work in a discrimination, harassment and violence-free workplace. This implies the Corporation has to:

- **Provide a workplace that is free from harassment**

The Corporation must prevent any discrimination, harassment and violent situation through reasonable means and act to put a stop to any such situation as soon as it is informed of it, by applying the appropriate corrective measures.

- **Manage with a view to prevent harassment**

The Corporation must adopt management practices that make it possible to prevent discrimination, harassment and violence. It must put in place a known and effective procedure that will allow it to be informed of any of those situations. This procedure must also make it possible to deal objectively and promptly with such situations when they arise, in order to put a stop to them.

- **Inform all personnel about the Policy**

The Corporation must inform all of its personnel that it is committed to preventing and putting a stop to all discrimination, harassment and violence at work. The Corporation must provide all new employees with a copy of this Policy at the time of hiring, and may redistribute the document by memorandum or by e-mail, if necessary, thereafter.

### **Senior Management Responsibilities**

The senior management is responsible for:

- Providing all employees with a discrimination, harassment and violence-free workplace.
- Being aware of what is happening in the workplace.
- Treating all incidences of discrimination, harassment and violence seriously.
- Undertaking to act on all complaints and ensuring that they are resolved quickly,
- confidentially and fairly; and
- Supporting supervisors and employees.

### **Supervisor Responsibilities**

For the purpose of this Policy, a supervisor is someone who has direct management responsibilities or who supervises employees.

**Supervisors** are responsible for:

- Fostering a safe and discrimination, harassment and violence-free work environment.
- Setting an example of appropriate workplace behavior.
- Treating all employees, suppliers, and contractors with respect.
- Listening to employees.
- Detecting risk factors and putting a stop to any form of prejudice.
- Communicating the process for investigating and resolving complaints made by employees.
- Dealing with workplace discrimination, harassment or violence immediately upon becoming aware of them, by reporting any discriminatory, harassment or violent behavior to the HR VP, even when there is no formal complaint.
- Taking appropriate action during an investigation, including separating the parties to the complaint, when appropriate; and
- Ensuring complaints are dealt with in a sensitive and confidential manner.

### **Employee Responsibilities**

Employees are responsible for:

- Treating others with respect and consideration in the workplace.
- Complying with this Policy and taking appropriate measures to ensure that prohibited conduct does not occur.
- Speaking out when discrimination, harassment or violence occurs.
- Reporting any situation of discrimination, harassment and violence as provided in this Policy.
- Co-operating with any investigation; and
- Maintaining the confidentiality of anyone involved in a complaint.

## **Human Resource Responsibilities**

The Human Resources Department is responsible for:

- Communicating the Policy to all employees.
- Administrating the Policy.
- Supporting supervisors through the application of the Policy.
- Communicating the process for investigating and resolving complaints.
- Listening to employees and receiving intervention demands or complaints.
- Dealing with discrimination, harassment and violent situations immediately upon becoming aware of them, whether or not a complaint has been made.
- Providing employees with the appropriate resources when facing discrimination, harassment or violence.
- Ensuring training of employees and supervisors on discrimination, harassment and violence and on this Policy.
- Ensuring complaints are dealt with in a sensitive and confidential manner.
- Ensuring that the Policy is applied in a timely, consistent and confidential manner.
- Determining whether or not allegations are substantiated; and
- Determining what corrective action is appropriate where a complaint has been substantiated.

## **6. REPORTING CONCERNS**

### **Role and Responsibility of Victim**

Personnel who perceive that they or other Personnel are being bullied, harassed, discriminated against or subjected to violence should:

- Inform the perpetrating individual as soon as possible that their conduct is objectionable and unwelcome.
- Where the Personnel is uncomfortable or unable to approach the individual, report the incident to the corporation.
- Keep a written record of the details of the incident(s) – e.g., times, locations, names of witnesses.
- Participate in an investigation by providing any evidence which may assist in resolving the issues.
- Preserve the confidentiality of information pertaining to the Complaint, investigation, findings, recommendations, and decisions regarding a Complaint.
- Report the matter to the appropriate authorities if the behavior is criminal in nature.

Any personnel who observe or become aware of unresolved acts of bullying, harassment, discrimination, or violence must immediately advise management.

### **Option for Victim to Resolve**

Before proceeding to the formal complaint process, any Personnel who believes they have a Complaint of bullying, harassment, discrimination, or violence may approach to discuss potential means of resolving the Complaint and to request assistance in resolving the matter. If the Complaint is resolved to the Complainant's satisfaction, the matter is deemed to be completed. A record of the issue and its resolution will be maintained in the corporation's head Office.

### **6-Month Limitation Period**

Personnel who file a Complaint under this policy must file the complaint within six months of the alleged incident.

### **Principles of Procedural Fairness and Natural Justice**

All reported incidents will be investigated promptly and thoroughly by the corporation. This policy will be interpreted, administered and applied in accordance with the principles of procedural fairness and natural justice. In particular:

- All Personnel will be advised of the provisions of this policy and of the procedures available to them under the terms of this policy.
- Any Complainant who wishes to seek resolution of a Complaint through mediation or investigation under this policy must be prepared to be identified to the Respondent.
- Complainants and Respondents must be given the opportunity to present evidence in support of their positions and to defend themselves against allegations of Disrespectful Behaviour.

All Complaints must be submitted in writing. All submissions, responses, comments and decisions pursuant to the policy will be made in writing and the record will be held in the Independent Respectful Workplace Office.

### **External Investigation**

If the incident is serious, complex and/or sensitive in nature, an external investigator may be retained to conduct or assist in an investigation. The external investigator will be drawn from a list of individuals previously agreed upon by the Legislative Assembly Management Committee. The list of previously agreed upon external investigators may include retired provincial court judges, out-of-province independent officers, independent legal counsel, conflict resolution experts, or other suitable professionals.

## **7. WORKPLACE VIOLENCE – SPECIAL CIRCUMSTANCES**

### **Risk Assessment**

When a risk assessment is necessary, to assess the risks of workplace violence that may arise from the nature of the work, the type of work or the conditions of the work. It will take into account:

- Circumstances that would be common to similar workplaces; and
- Circumstances specific to the Corporation's workplace.

The results of this assessment will be communicated to the HR VP in the form of a written report.

To the extent that certain risks are identified, safe work procedures will be

developed and implemented.

### **Measures To Minimize the Risk of Workplace Violence**

Safe work procedures have been and will be developed to inform and instruct Personnel about the risks of workplace violence. These risks will be identified in the risk assessment when necessary.

### **Work Refusal**

A **member** of the Personnel who has reason to believe he/she may be endangered by workplace violence has the right to refuse the work in accordance with applicable law.

### **Notification of Workers at Work**

If a supervisor or the HR VP is aware that a member of the Personnel can be expected to encounter a person with a history of violent behavior, and the risk of workplace violence by that person is likely to expose the member of the Personnel to physical injury, or if an actual incident of workplace violence has occurred, or if an incident of workplace violence is reasonably expected to occur, the Corporation will take the following steps to ensure the safety of all Personnel:

- The HR VP will inform the General Counsel of the situation. If they deem it appropriate or necessary, both may inform the Chief Executive Officer (the “CEO”) of the situation.
- The HR VP will advise the individuals who are at risk. The HR VP will also coordinate a review of current procedures to minimize risk.
- Information about the source of workplace violence will be provided to the Personnel who are at risk and their supervisors.
- Appropriate steps will be taken to protect Corporation Personnel.

## **8. PROCEDURE WHEN PERSONEL RIGHTS ARE VIOLATED**

If you believe you have been subject to or have witnessed any behaviour which is contrary to this Policy, you may address your concerns in the following way:

### **Speak Up**

If you believe you are being harassed, threatened or discriminated against, or have witnessed such behavior, you can start by speaking up right away to the person that engages in this behavior. You can speak to him/her directly, or write a letter. In that case, be sure to write the date and make a copy. In addition, it is recommended that you inform the HR VP of your initiative.

### **Informal Procedure**

If the behavior occurs again, or if you are unable to deal directly with the person harassing, threatening or discriminating against you or someone else, you can speak to your supervisor, another manager or the HR VP to report the situation. If that person is involved in the complaint, please see the Corporation’s General Counsel personally.

This procedure does not involve an investigation or an official decision. You can

speak with the person of your choice to report and talk about the situation in total confidence. All supervisors are required to report any concerns relayed to them to Human Resources.

During this process, the person will ask you for details of what happened, may present you with any other options you may have, and he/she will ask how you want to proceed. This person will also record your concerns and report if and how the situation was resolved.

### **Mediation**

If the informal procedure is unsuccessful, the HR VP may offer to the parties to the complaint mediation prior to proceeding with a formal complaint. Mediation can be initiated to help the parties solve the situation. It is a voluntary and confidential process. Mediation is a process by which a neutral third party (mediator) helps the people involved in the complaint to reach a solution that is acceptable to both parties.

### **Formal Complaint**

If the informal route for resolving a situation does not succeed or if it is not appropriate, the Corporation supports its employees by establishing the following procedures for lodging a formal complaint.

All employees have the responsibility to co-operate in the investigation. All personnel and alleged offender have the right to be accompanied by someone they feel comfortable during the whole process.

You can report the situation to your supervisor, another manager, the HR VP, the Corporation's General Counsel or through the reporting hotline and web portal operated by a third-party provider and available 24 hours a day, 365 days a year.

When making a complaint, be prepared to provide the following information:

- The name and position of the alleged offender;
- Details of what happened;
- Dates, times, and how often the incidents occurred;
- Where they happened; and,
- The names of any potential witnesses.

The HR VP and the General Counsel will review the provided facts and determine what falls within the scope of the Policy. If the Policy appears to have been breached, an investigation will be initiated, and you may be asked to draft a full written statement. Note that if you report your complaint anonymously via the reporting hotline and web portal, you should be aware that an anonymous complaint may hinder the Corporation's ability to investigate the matter in a timely and effective manner.

If appropriate in the circumstances, the HR VP and the General Counsel will appoint an investigator. The investigator will describe the steps involved in the process, and he/she will meet with you, the alleged offender and any other potential witnesses, as appropriate.

At the end of the process, if required, the investigator will prepare a report for Human Resources setting out the allegations, the information obtained in the course of the investigation and the investigator's findings.

On the basis of this report, the HR VP, the General Counsel and the CEO will make a final decision to determine whether or not the Policy has been breached and he/she

will set the appropriate measures to be taken as the case may be.

If required by applicable laws, the HR VP and the General Counsel may inform you, the alleged offender and the supervisors who are involved, in writing, with the outcome of the investigation including any appropriate disciplinary and/or other action that will be taken as the case may be.

In the event the complaint is well-founded, the measures may include but are not limited to: disciplinary letter in the offender's file, an apology issued to the complainant and/or the victim (if the complaint was made by someone else than the victim), training or coaching, transfer, and suspension with or without compensation. It could also lead to termination of employment, or any other disciplinary action deemed appropriate under the circumstances.

## **9. PRIVACY AND CONFIDENTIALITY**

The Corporation will handle all complaints swiftly and confidentially to the extent possible in light of the need to take appropriate corrective measures.

During the complaint process, the confidentiality of the information received and the privacy of the individuals involved will be protected to as great a degree as is possible. The confidentiality will be considered in the context of the Corporation's legal obligation to act on the complaint and the right of the alleged harasser to obtain information.

In most cases, however, confidentiality will be strictly maintained by the Corporation and those involved in the investigation. In addition, any notes or documents written by or received by the person(s) conducting the investigation will be kept confidential to the extent possible and in accordance with existing provincial or federal law.

Managers, employees and all individuals involved in a harassment complaint process are expected to maintain the privacy and confidentiality of all of the other parties involved and to take the necessary measures to protect their personal information.

## **10. DESIGNATED RESOURCE**

In order to foster open communication, feelings of safety and trust in the Corporation's commitment to this Policy, employees are asked to contact the HR VP with any question.

## **11. MANAGEMENT RIGHTS**

Harassment should not be confused with legitimate management actions.

The Corporation's management right is defined as the right to direct employees and take decisions that are related to the profitability of the Corporation, in the best interest of the business.

It is therefore seen as a range of discretion in managing the organization which is reserved for its management. It includes core rights such as determining the organization's mission, budget and strategy, and operational rights such as

assigning, directing, hiring and dismissing employees.

**Examples of legitimate management actions:**

- Modifying or changing job assignments;
- Conducting appropriate performance or probation evaluations;
- Overseeing day-to-day management and supervision;
- Managing absenteeism and attendance;
- Imposing disciplinary sanction where warranted; and
- Managing layoffs, terminations and dismissals.

**12. COMPLAINTS MADE IN BAD FAITH**

Any person who makes a false complaint or otherwise abuses this Policy will be subject to a formal investigation and may be disciplined up to and including termination of employment. Such discipline is not a reprisal or breach of this Policy.

**13. RETALIATION**

Interference with the course of an investigation or retaliation against a complainant or witness is prohibited under this Policy and may itself constitute discrimination or harassment. Any person who is found to have violated this aspect of this Policy may be subject to disciplinary action, up to and including termination of employment.

All parties subject to this Policy are expected to fully and honestly participate in the investigation process.

No hardship, loss, benefit or penalty may be imposed on an employee in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the course of an investigation of a complaint; or
- Serving as an investigator of a complaint.