

DES Services Inc.

POLICY STATEMENT ON WORKPLACE HARASSMENT AND DISCRIMINATION

Updated March 11, 2020

PREAMBLE

DES Services Inc. is committed to providing a work environment which is free of discrimination and harassment, in which all individuals are treated with respect and dignity and where each member is able to contribute fully and have equal opportunities.

Under the *Ontario Human Rights Code*, every person has the right to freedom from harassment and discrimination in employment.

Harassment and discrimination in any form and from any person will not be tolerated, condoned, or ignored. Everyone in the workplace must be dedicated to preventing workplace harassment. All members of the DES Services team, including managers, supervisors and workers are expected to uphold this policy and will be held accountable for their actions by DES Services Inc.

The right to freedom from discrimination and harassment extends to all DES Services Inc. employees, including full-time, part-time, temporary and contract staff, as well as volunteers, co-op students, interns and apprentices. This policy also extends to members of staff or contractors working on our behalf to engage in harassment or discrimination when dealing with clients, or with others with whom they have professional dealings, such as suppliers, service providers and potential clients.

This policy applies to every level of our organization and to every aspect of the workplace environment and employment relationship, including recruitment, selection, promotion, transfers, training, salaries, benefits and termination. It also covers rates of pay, overtime, hours of work, holidays, discipline and performance evaluations.

Furthermore, this policy applies to events that occur outside of the physical workplace, such as during business trips and company parties or other professional and/or work-related social gatherings.

If a claim of harassment or discrimination is proven, disciplinary measures will be applied against the offending employee(s), up to and including dismissal.

OBJECTIVES

The objectives of this policy are:

- To ensure that all staff members and all clients/associates are aware that harassment and discrimination are unacceptable practices and are incompatible with DES Services' standards, and are in violation of the law;
- To set out the types of behaviours which are considered offensive and are prohibited by this policy; and
- Promote appropriate standards of conduct at all times.

DEFINITIONS

Workplace harassment means engaging in a course of vexatious comment or conduct against a worker

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in a workplace – a comment or conduct that is known or ought reasonably to be known to be unwelcome.

Specifically, for the purposes of this policy:

- “Discrimination” means any form of unequal treatment based on a protected ground, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but have the effect of disadvantaging certain groups of people.
- “Harassment” means a course of vexatious comments or actions that are known, or ought to reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning, or unwelcome. Prohibited harassment is not necessarily based on any prohibited grounds.
- “Sexual Harassment” means:
 - 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 course of comment or conduct is known or ought reasonably to be known to be unwelcome; and/or
 - 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 the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Examples – PROHIBITED BEHAVIOUR

Examples of the type of behaviour prohibited by this policy include but are not limited to:

- Any form of sexual harassment, including touching, petting, pinching, kissing, unwelcome sexual flirtations, advances, requests, or invitations and leering or other suggestive gestures;
- The display of visual sexual material that is offensive, or which one ought to know, is offensive;
- Bullying;
- Demeaning and/or belittling comments;
- Nicknames, remarks, jokes or innuendos related to an individual’s race, sex, disability, sexual orientation, creed, age, or any other ground;
- Obscene remarks or gestures;
- Display or circulation of offensive pictures, graffiti or materials, whether in print form or via e-mail or other electronic means;
- Singling out an individual for humiliating or demeaning teasing or jokes because they are a member of a protected group;
- Comments ridiculing an individual because of characteristics that are related to

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grounds of discrimination; and

- Creating a poisoned work environment through comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of management). The comments or conduct may not be directed at a specific individual, and may be from any individual, regardless of position or status. A single comment or action, if sufficiently serious may create a poisoned environment.

PROTECTED GROUNDS

Harassment may also relate to a form of discrimination as set out in the Ontario Human Rights Code, such as discrimination based on any one or any combination of the following:

• Race	• Mental disability
• Creed	• Age
• Ethnic origin	• Ancestry
• Colour	• Place of origin
• Citizenship	• Marital status
• Sex; Gender identity	• Record of offences
• Gender expression	• Family status
• Physical disability	• Sexual orientation

NOT INCLUDED IN THIS POLICY

This policy is not intended to limit or constrain the reasonable exercise of management functions in the workplace. Reasonable action or conduct by a manager or employee that is part of his/her normal work function will not normally be considered harassing or discriminatory. This is the case even if there are sometimes unpleasant consequences for an employee. Examples include:

• Changes in work assignments;	• Workplace inspections
• Scheduling	• Implementation/ enforcement of dress codes
• Job assessment and evaluation	• Counselling/disciplinary action.

Differences of opinion or minor disagreements between co-workers will also generally not be considered workplace harassment.

REPORTING

Any employee who believes they have been subjected to workplace discrimination or harassment should report the matter to their manager for investigation in accordance with the procedures set out below. If an employee's manager is alleged to have engaged in workplace discrimination or harassment, the employee may report such matters to the next level of management.

A report should include details about the alleged incident(s), including the date(s), time(s) and location(s), what happened, who was involved and the names of any witnesses.

If an emergency exists and the situation is one of immediate danger, then it should be immediately

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reported to the police by dialing “9-1-1” as soon as it is safe to do so. A person in situation of immediate danger must at the same time take whatever steps are necessary to ensure their own safety and to protect themselves against harm or injury. Once an employee is safe, then he or she can then report the matter to management.

A manager in receipt of any report or complaint by an employee of workplace discrimination or harassment, or who otherwise becomes aware of any allegation of workplace discrimination or harassment, shall immediately notify the complaints officer.

INVESTIGATION

The investigator, upon receipt of a complaint or allegation of workplace discrimination or harassment, shall conduct a prompt, thorough and confidential investigation into the allegation or complaint.

The Business will also conduct an investigation if it indirectly becomes aware of an incident of workplace harassment or discriminatory conduct, such as where an employee witnesses an incident of workplace harassment or discrimination or learns about it from a third party.

The Business may, at its discretion or where required, utilize the services of a third- party investigator, outside legal counsel, or such other external expertise as necessary in the circumstances.

Under no circumstances will a complaint or allegation be investigated by the individual who is the alleged harasser or by the individual who is alleged to have engaged in discriminatory conduct. Furthermore, under no circumstances will a complaint be investigated by an individual who is under the direct control of the alleged harasser or by an individual who is alleged to have engaged in discriminatory conduct.

The investigation procedure is as follows:

1. Interview with the complainant: The investigator will interview the complainant concerning the facts underlying their allegation(s).
2. Interview with the respondent: The investigator will interview the employee accused of committing the workplace discrimination or harassment. The employee will be asked for their response to the allegation(s) being made and for their side of the story.
3. Interviews with witnesses and other individuals: The investigator will then interview any other employees or individuals who may have witnessed the incidents of alleged workplace discrimination or harassment, or who may otherwise be able to provide information relevant to the investigation.
4. Records: The investigation will be documented, and the record will consist of, among other things, detailed notes of all interviews with employees and witnesses and all other information relevant to the investigation.
5. Report: The results of the investigation will be reported, in writing, to management. The results will include an assessment of the validity of the complaint.

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CORRECTIVE MEASURES

The results of an investigation must be communicated in writing to the worker(s) who has/have claimed the alleged harassment or discrimination and to the alleged harasser, if he or she is a worker of the employer. Where an investigation results in disciplinary action, the complainant(s) and the respondent(s) will be informed in writing. If the investigation does not corroborate the complaint(s), then the complainant(s) and the respondent(s) will be advised in writing and the matter will be closed. It is important to note that the results of the investigation are not the same as the investigation report. The results of the investigation are a summary of the findings of the investigation.

If the investigation corroborates the complaint(s) to the satisfaction of the Business, then the Business will, among other things, take appropriate disciplinary action against the offending employee(s), and any other measures it deems necessary to properly address the incident and prevent future incidences of workplace discrimination and harassment. The nature and extent of any disciplinary or remedial action will be determined by the Business in its sole discretion and may include dismissal of the offending employee(s) for cause. The Business may require that a worker participate in an anger management program or other form of counselling, either voluntarily or as a condition of continued employment.

RETALIATION

No retaliation or reprisals will be undertaken or tolerated against any employee who, in good faith, complains of, reports or participates in the investigation of any allegations of workplace discrimination or harassment.

CONFIDENTIALITY

DES Services Inc. recognizes the difficulty of coming forward with a complaint of workplace discrimination or harassment and a complainant's interest in keeping the matter confidential. To protect the interests of the complainant, the respondent, persons who may report incidents of workplace harassment and the integrity of the process, confidentiality will be maintained throughout the process and information relating to the complaint will be disclosed only to the extent necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law.

All individuals involved in a workplace investigation are expected to keep the substance of the investigation strictly confidential. Unless otherwise set out in this policy, all records of complaints, including records of meetings, interviews, results of investigations and other relevant material, will be maintained in a confidential file and will be disclosed only to the extent necessary to carry out these procedures and where disclosure is required by law.

All such records will be retained in accordance with our privacy policy and procedures.

Nothing in this policy prevents or discourages a worker from filing an application with the Human Rights Tribunal of Ontario on a matter related to Ontario's Human Rights Code within one year of the last alleged incident. A worker also retains the right to exercise any other legal avenues that may be available.