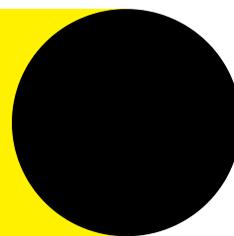


# Workplace Harassment, Discrimination, Violence Policy & Procedure

## POLICY STATEMENT



Agilus Work Solutions is committed to employing people from diverse backgrounds and we actively demonstrate inclusiveness through fair, equitable and accessible hiring practices. We recognize the strength that comes from different experiences, backgrounds and perspectives and welcome candidates who identify as visible minorities, Indigenous people, persons with disabilities, and persons within the LGBTQ2S+ community. It is important as an organization that all people have access and opportunity to be employed, to be valued and to be respected. A safe workplace, where all belong, is paramount to our business culture.

Agilus maintains compliance with federal and provincial legislation and strives to be an industry leader for a positive work environment. We prohibit behaviour and actions that amount to harassment, sexual harassment, discrimination or violence. We prohibit behaviour and actions that are unwelcome, unreasonable to the person and/or others and realize that it is the impact of behaviour, not the intent that determines whether an action is a harassment.

Agilus supports that reasonable actions taken by a manager or supervisor relating to management and direction of workers or the workplace is not harassment. This includes providing advice, assigning work, counselling, performance evaluation, proper discipline, and supervisory functions; proper provision of negative performance feedback is not harassment.

Our Workplace Management Program includes an employer reporting mechanism, procedures for the investigation of incidents or complaints, information on privacy, investigation reports and communication.

In so far as possible, Agilus attempts to ensure that clients and other organizations with which we deal, respect harassment, discrimination and violence in the workplace legislation. However, the Agilus Workplace Harassment, Discrimination, Violence Policy and Procedure Policy does not apply to any organizations other than Agilus, and Agilus does not review or control the policies, procedures or practices of any outside organizations.

### Workplace Harassment

Engaging in a course of vexatious comment or conduct (including cyber-bullying) against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or workplace sexual harassment. Workplace harassment may include bullying, intimidating or offensive jokes or innuendoes, displaying or circulating offensive pictures or materials, or offensive or intimidating phone calls. Harassment is concerned with the impact of behaviour, not the intent.

### Workplace Sexual Harassment

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, 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.

### Grounds of Discrimination

An action or decision that treats a person or a group negatively for reasons that are protected under the Canadian Human Rights Act: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability, a conviction for which a pardon has been granted or a record suspended.

### Discriminatory Practice

Practices that are prohibited by the Canadian Human Rights Act when they are based on one or more of the 11 Grounds of Discrimination: denying someone goods, services, facilities or accommodation, providing someone goods, services, facilities or accommodation in a way that treats them adversely and differently, refusing to employ or continue to employ someone or treating them unfairly in the workplace, following policies or practices that deprive people of employment opportunities, paying men and women differently when they are doing work of the same value, retaliating against a person who has filed a complaint with the Commission or against someone who has filed a complaint about them, harassing someone.

### Workplace Violence

Exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker. This also includes attempt to exercise physical force against a worker in a workplace, that could cause physical injury to the worker; and a statement or behaviour that a worker could reasonably interpret as a threat, to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

## Definitions *cont.*

### Domestic Violence

A pattern of behaviour used by one person to gain power and control over another person with whom he/she has or has had an intimate relationship. When this pattern of behaviour impacts the workplace, this Policy and Procedure is invoked. Relationships may be defined as spouse or former spouse, domestic partner or former domestic partner, cohabitant or former cohabitant and or other household members, a person with whom the victim is having, or has had, a dating or engagement relationship, a person with whom the victim has a child.

### Prohibited Behavior

May include, but is not limited to threats or intimidation, stalking, leering or sexually offensive gestures, possession of weapons of any kind at the workplace or at Agilus sponsored events, assault of any form, physical restraint or confinement, loud, disruptive or angry behaviour or language that is clearly not part of the typical work environment; any other act that a reasonable person would perceive as constituting a threat of violence; making remarks, jokes or innuendoes related to Grounds of Discrimination, displaying or circulating offensive pictures, graffiti or offensive materials; making unwanted comments or questions about a person's personal life; refusal to work with someone because of their sex or sexual orientation; making derogatory or degrading comments about a person's body.

## Responsibilities

Complainant and Respondent must cooperate with the investigation process in a full, truthful and transparent manner, providing all requested documents and information.

## Procedure

### Immediate Danger

If an emergency exists and if a person is in immediate danger, the local police should be called at 9-1-1. The person should take appropriate steps to protect themselves from harm, such as leaving the area.

### Not Immediate Danger – Informal Resolution

Employees and contractors have options to address inappropriate behaviour in the workplace. The option chosen may vary depending upon the event, the frequency and the severity of the event:

- Informal – Without being confrontational, clearly and directly describe the behaviour and let the other person know that the behaviour was inappropriate and unwelcome. This option may be appropriate if the person is not fully aware of the impact of their actions.
- Second Level Informal – If an informal conversation is not successful, or if the person is not comfortable speaking with the other person directly, contact an Agilus Representative who will work with the person and/or the client to assist in resolving the situation using an informal approach. This may include meeting with the person or arranging for mediation.



### Formal Written Complaint

If an informal approach does not result in resolution, or if the person chooses to go directly to a formal resolution process, the person may file a formal written complaint.

An employee or contractor alleging Workplace Harassment, Workplace Discrimination or Violence in the Workplace, may report their complaint to an Agilus Representative. In the event that the alleged Respondent is a member of the Agilus' Executive Committee, the complaint will be referred to an external investigation process.

A formal written complaint must include the following information:

- Who was involved and the names of any witnesses;
- What happened, where did it happen, when did it happen;
- What section of this Policy & Procedure does the complaint fall under;
- What remedy is the person is seeking?

The formal complaint should be submitted to [ethics@agilus.ca](mailto:ethics@agilus.ca). Written complaints should be submitted in a timely manner. Upon receipt of a written complaint, an investigation into the allegations will commence.

### Investigation

For incidents or complaints involving Employees or Contractors at a Client worksite, Human Resources will determine with the Client if their Workplace Harassment, Discrimination and Violence in the Workplace procedures will be enacted for investigation. Cooperation between Agilus and the Client will ensure that the complaint is investigated and resolution is reached.

Agilus will comply with provincial legislation that may require an external investigation of a complaint. An investigation and report in this circumstance are at the expense of Agilus and/or the Client.

### Confidentiality

Information obtained about an incident or complaint of Workplace Harassment, Workplace Discrimination or Violence in the Workplace, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law.

### Duty to Report

Employees and contractors have a duty to report in good faith any known or suspected violation of the Workplace Harassment, Workplace Discrimination or Violence in the Workplace Policy. Any concern raised or report filed will be shielded from any form of reprisal, discrimination or retaliation. Agilus is committed to creating an environment in which every person affected by this Policy feels free to report activity or incidents suspected of violating the Policy.

## **Communication**

At the conclusion of the investigation and decision regarding outcomes, the Complainant and Respondent will be informed in writing of the results of the investigation and or any corrective action that has been taken or that will be taken as a result of the investigation.

## **Training**

Agilus will provide training to Employees and Contractors through a variety of mediums including onboarding, presentations and resource materials.

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