

Workplace Harassment Policy & Procedures

POLICY STATEMENT

Brytor International is committed to creating and maintaining a work environment in which all employees are treated with respect and dignity. Every employee has the right to work in an environment that is safe, healthy and free from harassment, violence and discriminatory practices. Achieving this desired environment greatly depends upon mutual respect, co-operation, and understanding. Attitudes and behaviors that undermine this goal are detrimental to all. Brytor will not tolerate harassment of any sort. Brytor also will not tolerate retaliation or reprisal against any employee who files a complaint alleging harassment or against anyone for having been associated with a person who has invoked this policy.

APPLICATION

This policy applies to all employees in Canada and to any individuals from outside of the company in their interaction with Brytor employees such as contractors, suppliers, consultants and business partners.

The policy applies to harassment of any sort by or of an employee of Brytor in the course of employment responsibilities or employment relationships, whether or not such behavior occurs on Brytor's property or during work hours, such as:

- On company premises, including on site residence facilities
- At work related social functions
- In the course of work assignments at or outside of company premises
- At work related conferences or training sessions
- During work related travel

The policy is not intended to inhibit normal good faith activities or functions undertaken for legitimate workplace purposes (e.g., performance management or discipline) as long as these activities or functions are performed in a non-harassing manner.

POLICY IMPLEMENTATION

Complaints will be dealt with as expeditiously and fairly as possible utilizing this policy. Notwithstanding the existence of this policy, every person has the right to seek assistance from the appropriate Human Rights Commission or to exercise their rights under Part II of the Canada Labour Code, if applicable, or to exercise any other legal rights available under any other law or collective agreement.

DEFINITIONS

General Definition of Harassment

Harassment is a comment or conduct that is known (or ought reasonably to be known) to be unwelcome or offensive to a reasonable person. Harassment may be a series of events or a single incident. It is a form of discrimination and it is illegal.

Harassment is more fully described as:

Any unwelcome verbal or physical conduct that is related to the grounds of discrimination prohibited by law - sex, age, race, national or ethnic origin, colour, religion, disability, marital status, family status, sexual orientation, physical size or weight, or conviction for which a pardon has been granted; or

Any unwanted physical conduct, attention, demands, pattern of jokes, insults or other discriminatory practice which may cause personal offence or humiliation to any employee or which could be perceived to place a condition on any employee's job or work environment. Behaviors or conduct (including verbal) which have the purpose or the effect of interfering with a person's work performance or creating an intimidating, hostile, violent or offensive work environment may constitute harassment.

Sexual Harassment

Sexual harassment is included within the general definition of harassment.

It is described as one or a series of incidents involving 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 insecurity, discomfort, offence, or humiliation; or

Submission to such conduct is made either explicitly or implicitly a condition of employment; or

Submission to or rejection of such conduct is implied or expressed as the basis for any employment decision (i.e., matters of promotion, raise in salary, job security, and benefits affecting the employee)

Personal Harassment

Personal harassment is included within the general definition of harassment.

It is described as:

Objectionable conduct or comment, directed toward a specific person or persons, which has no legitimate work purpose (or purpose in the workplace) and has the effect of creating an intimidating, humiliating, hostile, or offensive work environment

BEHAVIOURS THAT CONSTITUTE HARASSMENT

Following are some examples of behaviors that constitute harassment:

Racist or sexist jokes causing embarrassment or offence told or carried out by a person who has been advised that they are embarrassing or offensive or that are by their nature clearly embarrassing or offensive

- The display of sexually or racially offensive material
- Racially or sexually degrading words used to describe a person
- Derogatory or degrading remarks directed toward a person or members of a group
- Sexually suggestive or obscene comments or gestures
- Unwelcome sexual inquiries, comments, flirtations, advances, propositions
- Persistent unwanted contact or attention after the end of a consensual relationship
- Inappropriate touching or requests for sexual favors
- Sexual assault - Threats, taunting, bullying or coercion
- Ostracizing
- Actual or threatened physical assault
- Verbal assault
- Vulgar language
- Malicious gestures or actions
- Abuse or improper use of power and authority

REPORTING COMPLAINTS

A person who considers that he or she has been subjected to harassment (or retaliation for having brought forward a complaint of harassment) is encouraged to bring the matter to the attention of the person(s) responsible for the conduct.

The complainant should, if possible:

- Approach the harasser and advise that person to stop the offensive conduct
- Tell the harasser why the conduct is offensive. This can be done verbally, by letter, or by giving or sending a copy of this policy.
- Document the complaint and keep a record detailing the incident (write down what was said or done, who might have witnessed it, and the date, time and location); or
- If uncomfortable in bringing the matter directly to the attention of the harasser, or where such an approach is attempted and does not produce a satisfactory result, or where such an approach is inappropriate, the complainant should contact his or her supervisor, a local human resources representative, union representative, on site nurse, or other person of authority in the company.

When an employee comes forward with a complaint to any person in authority he or she will be given the option of proceeding with the complaint through informal or formal means. The employee also maintains the right not to proceed with a complaint. Action must be taken by Brytor, however, if the complaint is a criminal matter or in the opinion of the local human resources department, presents an immediate safety risk to other employees of the work unit.

The person in authority receiving the complaint is responsible for advising the complainant of the options available for proceeding with the complaint. They are as follows:

Informal Resolution of the Complaint

This process uses mediation, negotiation and conflict resolution techniques to resolve the complaint. Prior to initiating the informal resolution process, the person in authority receiving the complaint must consult with his or her local human resources representative for guidance on the appropriate resolution tool.

Formal Complaint

Formal complaints must be presented in writing to one of the Senior Business Managers and employee. The complainant will be informed of the process that will be used for investigating the complaint. The Senior Business Manager will forward a copy of any formal written complaint received to the employee and labour relations or designate.

All complaints of harassment, whether informal or formal, will be handled as expediently and discreetly as possible with regard to maintaining the dignity and respect of both the complainant and the alleged harasser.

INVESTIGATING FORMAL COMPLAINTS

The Senior Business manager, employee and labour relations or designate, is responsible for appointing an investigator and consulting with local human resources representatives during the investigation process.

The Senior Business manager, employee and labour relations, or local human resources designate, will:

- Meet with the complainant, seek further clarification on the complaint in writing, and ensure that the complainant fully understands the investigation process;

- Inform the alleged harasser that a complaint has been made, provide a copy of the written complaint, and ensure that the alleged harasser fully understands the investigation process. A written response from the alleged harasser will be requested.

The investigator will:

- Assume responsibility for conducting an investigation;

- Prepare a written report at the conclusion of the investigation and submit it to the corporate manager, employee and labour relations, or designate;

- Maintain confidentiality to the extent practicable and appropriate under the circumstances

The Senior Business manager, employee and labour relations will review the investigation report in consultation with the local human resources representative and senior manager responsible for the work location, and decide on the appropriate action (including disciplinary action) to be taken. If the investigation confirms the allegations of harassment, immediate and appropriate corrective action will be taken to end the harassment, make the complainant whole by restoring lost benefits or opportunities, where appropriate, and prevent the harassment from recurring. The complainant and alleged harasser will be informed, in writing of such action. Disciplinary and corrective action may be taken in cases where the complaint is found to be frivolous or malicious.

The complainant and the alleged harasser have the right to a written appeal of the results of the investigation and the action taken. Letters of appeal must be delivered to the president of Brytor with a copy to the senior vice-president, within 30 days of release of the results of the investigation.

CONFIDENTIALITY

Brytor acknowledges and is sensitive to the psychological and physical effects of harassment on persons subjected to harassment and persons alleged to be harassers.

To protect the interests of the complainant and the alleged harasser, and any others who report incidents of harassment, confidentiality will be maintained throughout the investigation process to the extent practicable and appropriate under the circumstances.

All records of complaints, including contents of meetings, interviews, results of investigations and other relevant material will be regarded as confidential, except where disclosure is required by a disciplinary or other remedial process.

Witnesses may be asked to provide input into the investigation. Witnesses who are required to participate in investigations have the right to expect that their comments will be kept confidential, except where disclosure is required by a disciplinary or other remedial process.

PREVENTION, TRAINING AND AWARENESS

All employees will be made aware of this policy and will be required to participate in a training session designed to: create awareness about this policy, increase understanding about harassment and the factors that contribute to discrimination and violence in the workplace, and learn how to respond to situations of harassment, discrimination or violence. In addition, supervisors will be required to participate in training sessions aimed at creating awareness about this policy with respect to their responsibilities as supervisors and how to respond to complaints. The training programs will be reviewed and updated as needed to reflect any changes to the policy or increases in the risk of harassment, discrimination or violence.

This policy will be distributed to all employees newly hired and will be posted on Brytor's bulletin boards.

Employees will be made aware of any emergency notification procedures appropriate to each work site with respect to acts of violence (e.g., bomb threats) or how to seek medical attention. These procedures will also be posted on Brytor's bulletin boards as necessary.

POLICY REVIEW

This policy will be reviewed every three years, and updated as necessary, to ensure that it continues to be effective. The policy will be reviewed and updated more frequently if there are changes that arise that compromise its effectiveness.

RECORDS

Formal written complaints, investigative reports, reports of findings and related correspondence and other documentation prepared under this policy will be kept in accordance with Brytor's record retention schedule in the corporate human resources department.

In incidents of violence, the report of findings, with identities of individuals involved removed (unless consent has been given) will be provided to the local occupational health and safety committee.

Signed records will be maintained (in paper or electronic form) of the information, instruction and training provided to each employee.

RESPONSIBILITIES

The Senior Business manager, employee and labour relations or designate is responsible for:

- Making all employees of Brytor aware of this policy through formal training to all employees and supervisors

- Maintaining oversight of this policy and ensuring that it is adhered to at all work locations, including corporate office

- Appointing an investigator to determine whether violations of this policy have occurred. This shall be done in consultation with the local human resources departments.

- Providing advice and support to persons who are subjected to harassment and to alleged harassers

- Supporting and assisting any employee who complains of harassment by a person who is not an employee of Brytor (e.g., suppliers, consultants, contractors)

- Reviewing the investigation report with the corporate director of talent management in consultation with the local human resources representative and senior manager responsible for the work location to decide on the appropriate course of action

- Imposing, when necessary, strict disciplinary measures (up to and including dismissal) when a complaint of harassment is substantiated regardless of who the offender might be

- Reviewing this policy every three years or more frequently if there are changes that arise that compromise its effectiveness

- Maintaining records as required by this policy

- Maintaining confidentiality throughout the investigation process to the extent practicable and appropriate under the circumstances

Senior Business Managers are responsible for:

- Receiving informal and formal complaints of harassment from employees

- Sending copies of formal respectful workplace complaints to the employee and labour relations

- Consulting with the team manager, employee and labour relations or designate on the recommended course of action for formal complaints

- Investigating informal complaints of harassment and working with both parties to achieve a satisfactory conclusion

- Notifying the local occupational health and safety committee of an incident of violence at the work site that the police are investigating unless this would be prohibited by law, and providing the committee with a copy of the report of findings (with identities removed unless consent has been provided) following the investigation

Providing advice and support to persons who are subjected to harassment and to alleged harassers

Supporting and assisting any employee who complains of harassment by a person who is not an employee of Brytor (e.g., suppliers, consultants, contractors)

Orienting new employees to this policy at the time that they are hired

Maintaining confidentiality throughout the investigation process to the extent practicable and appropriate under the circumstances

Employees of Brytor are responsible for:

Promoting and adhering to the principles of this policy to ensure a harassment free work environment

Treating all fellow employees with dignity and respect

Addressing situations of perceived harassment directly with the offender (or if it is uncomfortable or inappropriate to do so then reporting instances of harassment to a person of authority in the company) regardless of who the offender might be

Presenting formal complaints in writing

Maintaining confidentiality throughout the investigation process to the extent practicable and appropriate under the circumstances

Employees in supervisory or managerial positions have an additional responsibility and accountability to:

Proactively monitor the work environment to ensure a respectful workplace. This includes taking action pursuant to this policy when they become aware of a disrespectful environment within their work groups.