

Title: Workplace Harassment Policy & Procedure	Date Issued: September 1 st , 2010
Approved By: Brian Coad	Review/Revise Date: September 1 st , 2011
Location: VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZAIRE INC.	

POLICY

- 1.01 **V.S.H.B.B. Inc.** believes in providing and maintaining a work environment in which all employees are free from workplace harassment, sexual harassment and discrimination. Such actions are not tolerated and **V.S.H.B.B. Inc.** will investigate and deal with any incidents.
- 1.02 Retaliation or reprisals are prohibited against any employee who has complained under this Statement of Policy and Procedure, or has provided information regarding a complaint. Any retaliation or reprisals are subject to immediate corrective action, up to and including termination. Alleged retaliation or reprisals are subject to the same complaint procedures and penalties as complaints of discrimination and harassment.
- 1.03 **V.S.H.B.B. Inc.** recognizes that individuals may find it difficult to come forward with a complaint under this Statement of Policy and Procedure because of concerns of confidentiality. Therefore, all complaints concerning workplace or sexual harassment or discrimination, as well as the names of parties involved, shall be treated as confidential. **V.S.H.B.B. Inc.** obligation to conduct an investigation into the alleged complaint may require limited disclosure. No record of the complaint will be maintained on the personnel file of the complainant. If there is a finding of improper conduct that results in disciplinary action, it will be reflected only on the file of the person who engaged in such conduct, in the same way as any other disciplinary action.

PURPOSE

- 2.01 This Statement of Policy and Procedure outlines the procedures to be followed regarding workplace harassment, sexual harassment and discrimination so that employees reporting alleged incidents will know the matter will be treated confidentially and may be reported without fear of retaliation or reprisal.

SCOPE

- 3.01 This Statement of Policy and Procedure applies to all employees.
- 3.02 This Statement of Policy and Procedure applies not only during working time, but to any activities on or off of company premises which could reasonably be associated with the workplace (e.g. social events).

RESPONSIBILITY

- 4.01 All employees, and particularly employees in management positions, are responsible for ensuring discrimination and harassment are not tolerated and, where possible, are redressed.
- 4.02 Employees are expected to report promptly when they become aware of, or hear of, alleged actions or complaints of discrimination or harassment.
- 4.03 Managers are responsible for providing a work environment that is free from discrimination and harassment. This responsibility includes actively promoting a positive, harassment-free work environment and intervening when problems occur. Additionally, managers are responsible for dealing with inappropriate actions of others, which come to their attention.

DEFINITIONS

- 5.01 **“Workplace”** Defined under the Occupational Health and Safety Act as any land, premises, location or thing, at, upon, in, or near which a worker works. Therefore, workplaces are more than just offices, construction sites, and factories.
- 5.02 **“Workplace Harassment”** under bill 168, means: engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known unwelcome. The most notable aspect of this definition is that, unlike “harassment” as defined in the human rights code, the definition of “workplace harassment” under Bill 168 includes conduct that is not related to a prohibited ground of discrimination, e.g., sex, age, ethnicity, disability, religion, etc.
- 5.03 **“Sexual harassment”** is any unsolicited conduct, comment, or physical contact of a sexual nature that is unwelcome by the recipient. It includes, but is not limited to, any unwelcome sexual advances (oral, written or physical), requests for sexual favours, sexual and sexist jokes, racial, homophobic, sexist or ethnic slurs; written or verbal abuse or threats; unwelcome remarks, jokes, taunts, or suggestions about a person's body, a person's physical or mental disabilities, attire, or on other prohibited grounds of discrimination; unnecessary physical contact such as patting, touching, pinching or hitting; patronizing or condescending behaviour; displays of degrading, offensive or derogatory material such as graffiti or pictures; physical or sexual assault.

REFERENCE MATERIALS

Ontario *Human Rights Code*.

Bill 168: Workplace Violence and Harassment Amendments to OHSA

PROCEDURE

- 7.01 (a) **Step 1 — Self-help**
 Employees are encouraged to attempt to resolve their concerns by direct communication with the person(s) engaging in the unwelcome conduct. Where employees feel confident or comfortable in doing so, communicate disapproval in clear terms to the person(s) whose conduct or comments are offensive. Keep a written record of the date, time, details of the conduct, and witnesses, if any.
- (b) **Step 2 - Management Support and Intervention**
 Employees who are not confident or comfortable with Step 1 and who believe they are victims of discrimination or harassment, or become aware of situations where such conduct may be occurring, are encouraged to report these matters to any of the following: Brian Coad, Andrew Mantha, Roy Simone, or Bernie Bezaire. Also, if the employee does not feel comfortable reporting to one of the four partners they have the option to report to their Joint Health and Safety Representative.
- (c) **Step 3 - Formal Complaint**
 If informal attempts at resolving the issue are not appropriate, or proving to be ineffective, a formal complaint may be filed. To file a formal complaint:
- (i) Provide a letter of complaint that contains a brief account of the offensive incident (i.e. when it occurred, the persons involved, names of witnesses, if any). The letter shall also include the remedy sought and be signed and dated by the person complaining;
 - (ii) File the complaint with to any of the following: Brian Coad, Andrew Mantha, Roy Simone, Bernie Bezaire, or your Joint Health and Safety Representative.
 - (iii) Cooperate with those responsible for investigating the complaint.
- 7.02 An employee who becomes aware of situations where discrimination or harassment may be occurring is requested to notify one of the four partners or the Joint Health and Safety Representative to deal with harassment complaints.
- 7.03 All Formal complaints shall be investigated. The investigation process will be carried out within 48 hours by Brian Coad and The Joint Health and Safety Representative from the other office. For example, if the complaint is from the Leamington office then Brent McBrayne would assist in the report and investigation. The report, investigation findings and recommendations will be reviewed by the four partners and the Joint Health and Safety Representative to determine further action.
- 7.04 All complaints shall be handled in a confidential manner. Information concerning a complaint, or action taken as a result of the investigation, will not be released to anyone who is not involved with the investigation.

- 7.05 Disciplinary action for violations of this Statement of Policy and Procedure will take into consideration the nature and impact of the violations, and may include a verbal or written reprimand, suspension (with or without pay) or termination (with or without notice). Similarly, deliberate false accusations are of equally serious nature and will also result in disciplinary action up to and including termination without notice for just cause. Note, however, that an unproven allegation does not mean that harassment did not occur or that there was a deliberate false allegation. It simply means that there is insufficient evidentiary basis to proceed or that while the complainant may have genuinely had reason to believe that there was harassment, investigation has not borne out the complaint.

ATTACHMENTS

- 8.01 Attachment A - Workplace Harassment Investigation Form
- 8.01 Attachment B - Workplace Harassment Follow Up Form