



## **DISCRIMINATION VIOLENCE & HARASSMENT**

## **Section 14.0 Policy**

Revised: January 3, 2024

Canadian Plains Energy Services (CPES) is committed to providing and maintaining a safe, productive, and healthy working environment for its employees. All employees have the right to work in an atmosphere free of discrimination, violence, harassment, or bullying by anyone associated with the organization. All employees that are affected by an incident of discrimination, violence, or bullying are encouraged to report the incident to their direct Manager, Human Resources, or anonymously by completing a formal written complaint.

### **Our Commitments**

We are committed to:

1. Fostering an environment that respects people's dignity, ideas and beliefs thereby ensuring equality and diversity in employment.
2. Providing a supportive and diverse work environment and a culture that welcomes and encourages equal opportunities for all workers.
3. Offering the appropriate assistance to any employee who is the victim of discrimination, violence, or harassment.
4. Investigating reported incidents or complaints of workplace discrimination, violence, harassment, or bullying in a prompt, objective, and sensitive matter, taking necessary corrective action, and providing appropriate support for the individuals involved.
5. Making all efforts to protect the confidentiality of the employee lodging the complaint. However, it may be necessary to reveal the identity of the complainant for the purpose of investigating the complaint or taking related disciplinary measures.

### **Worker Rights and Responsibilities**

All workers have the right and responsibility to:

1. Have a workplace void of any form of discrimination, violence, harassment, or bullying.
2. Receive training on discrimination, violence, and harassment in the workplace.
3. Report any incidents promptly when they witness or become aware of, alleged actions or complaints that may indicate a violation of the Discrimination, Violence and Harassment Policy.
4. Encourage the victim to report the incident to their supervisor, manager and or a member of Human Resources.
5. Exercise their rights in accordance with the law, including the Canadian Human Rights Act.

Employees and contractors who knowingly violate this policy will face disciplinary action, dismissal, or legal action.

By working safely and fulfilling your responsibilities, everyone who works at or for CPES will share in the benefits of a safe and healthy workplace.

### **Supervisor Responsibilities**

All supervisors are responsible to:

1. Ensure that the search and hiring process is fair and equitable and the appropriate qualifications of each candidate are the only criteria upon which a hiring or promotion decision is made.
2. Make all personnel decisions (e.g., hiring, compensation, promotion, benefits, job assignments, transfers, lay-offs, return from lay-offs, company sponsored programs or events, etc.) without regard to race, colour, creed, religion, sex, gender identity, gender expression, family status, age, language, or national origin.
3. Ensure that reasonable accommodations are made for individuals who require them. Individuals are encouraged to let CPES management know of any accommodations that should be made.

**Treat Others as We Would Wish to be Treated.**

APPROVED:

  
Aaron Karpah, President



## DISCRIMINATION, VIOLENCE & HARASSMENT

## Section 14.1 Definitions

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CPES will not condone or tolerate any form of discrimination, violence, harassment, or bullying by anyone associated with the organization. It is the responsibility of all staff to promote a respectful and safe workplace. Upon employment all CPES employees are required to review and agree to the terms and conditions of CPES's Business Code of Conduct. Any employee who violates this policy will be subject to disciplinary action up to and including termination of employment.

In accordance with CPES's business Code of Conduct (reviewed annually), this policy will be reviewed and updated if deemed necessary to ensure compliance with applicable legislation and ensuring that any deficiencies are addressed. This policy will be made readily available to workers and posted on work site safety boards or lunchrooms. The Discrimination, Violence & Harassment policy is not intended to discourage or prevent a complainant from exercising any other legal rights.

### 14.1 Definitions<sup>2</sup>

**Abuse of Authority** means an individual's improper use of power and authority inherent to the position held, that endangers an employee's job, undermines the performance of that job, threatens the economic livelihood of the employee, or in any way interferes with or influences the career of such an employee. It includes acts of misuse of power such as intimidation, threats, blackmail or coercion.

**Bullying** is a form of unacceptable, unprofessional, and inappropriate behavior directed towards one or more individuals with the intent of making them the subject of public humiliation and/or unwarranted disrespectful attention. The objective of the bully (i.e., the perpetrator) is to increase the discomfort of the other individual to ostracize that individual or force him or her to seek out alternative employment.

**Discrimination** in all matters related to the supervision and development of employees, including hiring, supervision, compensation, promotion and termination, no employee will be discriminated against for the reasons relating to the protected groups of the Canadian Human Rights Act. This includes race, colour, national or ethnic origin, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability, or a conviction from which a pardon has been granted or a record suspended. It may be directed at specific individuals or groups.

**Harassment** means any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying, or action by a person which the person knows or ought reasonably to know will or would cause offence or humiliation to a worker, or adversely affect the worker's health and safety, and includes:

- A sexual solicitation or advance, as well as conduct, comment, bullying, or action because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender identity or expression, gender expression, or sexual orientation
- Any action that adversely affects the worker's psychological or physical well-being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated
- Any action that constitutes a threat to the health or safety of the worker

Harassment in the workplace includes personal harassment, abuse of authority, sexual harassment, and bullying.

**Performance Management** refers to the legitimate and proper exercise of CPES's right to supervise and manage employees, for example, performance reviews, work evaluations and disciplinary measures taken for any valid reason, does not constitute harassment under this policy.

**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 (verbal, written, or physical), requests for sexual favors, sexual and sexist jokes, or sexist slurs; unwelcome remarks, jokes, taunts, or suggestions about a person's body, a person's physical or mental disabilities, attire, or other prohibited grounds of discrimination; unnecessary physical contact such as patting, touching, pinching, hitting, or leering; patronizing or condescending behavior; displays or degrading, offensive, or derogatory material such as graffiti or pictures; physical or sexual assault.



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**Violence** whether at a work site or work-related, means the threatened, attempted, or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm, and includes domestic or sexual violence.

**Workplace** means any place where business or work-related activities are conducted. It includes, but is not limited to, the physical work premises, work-related social functions (parties, golf games etc.), work assignments outside CPES's offices, work related travel, and work-related seminar, conferences or training seminars.



## **14.2 Roles and Responsibilities**

We trust that all of our employees will help us eliminate discrimination, violence and harassment from our workplace, and as such, employees of CPES are required to fulfill their responsibilities, outlined below.

### Senior Management

It is the responsibility of Senior Management (Executives and Vice Presidents) to:

- Set and review policy with respect to discrimination, violence and harassment
- Ensure the effective implementation of the process
- Provide resources to effectively carry out training and corrective actions

### Management Responsibilities

It is the responsibility of Managers/Supervisors to:

- Comply with this policy
- Enforce this policy and ensure its application in the day-to-day operations of CPES by its employees
- Report any incidents of harassment to Management at the time of occurrence, and under no circumstances should a legitimate complaint be dismissed or downplayed, nor should the complainant be told to deal with it personally. If a manager becomes aware of discrimination, violence or harassment in the workplace and chooses to ignore it, that manager and the company risk being named co-respondents in a complaint and may be found liable in legal proceedings brought about by the victim
- Take reasonable precautions to protect the safety of workers if a worker is or is likely to be exposed to domestic violence at the workplace
- Ensure the worker is advised to consult with a health professional for treatment or to Shepell's confidential Employee and Family Assistance Program (EFAP 1.877.916.9116) for assistance if exposed to workplace violence

### Worker Responsibilities

It is the responsibility of workers to:

- Comply with this policy
- Report any incidents promptly when they witness or become aware of, alleged actions or complaints that may indicate a violation of this policy
- Notify their supervisor if there is a possibility that a case of domestic violence could affect the safety of the worker or other workers at the workplace

### Co-Worker Responsibilities

If you are a co-worker who has witnessed discrimination, violence, or harassment in the workplace:

- Encourage the victim to report the incident to their manager and or a member of Human Resources
- Inform the victim that you have witnessed what you believe to be discrimination, violence, or harassment and that you find it unacceptable. Support is often welcome. If that person does not feel that they have been the victim of discrimination, violence, or harassment, then normally the incident should be considered closed.
- If you feel comfortable doing so, inform the alleged offender that you have witnessed the act and find it unacceptable.
- Encourage the victim to report the incident to their supervisor or manager



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## **Section 14.2 Roles and Responsibilities**

### Contractor, Third Party Vendor, and Visitor Responsibilities

It is the responsibility of all subcontractors' & third-party vendors to:

- Always comply with this policy while working for or visiting CPES
- Report any incidents involving harassment to management and or a member of the Human Resource team at the time of occurrence

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**14.3 Guidelines****1.0 Training and Education**

CPES will ensure that all employees are trained and educated on discrimination, violence, and harassment in the workplace and that they are clear about their roles and responsibilities, as well as this policy and procedures. The training will cover at minimum the following topics:

- How to recognize workplace discrimination, violence, and harassment
- The policy, procedures, and workplace arrangements that effectively prevent or eliminate workplace discrimination, violence, and harassment
- The appropriate response to workplace discrimination, violence, and harassment, including how to obtain assistance; and
- Procedures for reporting, investigating, and documenting incidents of workplace discrimination, violence, and harassment

**2.0 Hazard Assessment**

CPES will ensure that a hazard assessment is conducted in the workplace that considers the possibility of injury to workers from physical violence and harassment. The hazard assessment will include the following factors:

- Hiring procedures
- Potential work or work-related sources of violence and harassment
- Work processes
- Previous experience in that or similar workplaces
- The physical environment, and
- The company's commitment to preserving a violence- and harassment-free workplace

Once the hazard assessment is completed, CPES will have identified:

- Whether there are any aspects of the workplace that could increase the potential for violence or harassment
- Which individuals are at the highest risk, and
- Where there is a need for controls

**3.0 Procedures****Reporting Discrimination, Violence, and Harassment**

If you are either directly affected by or witness to any discrimination, violence, or harassment in the workplace, it is imperative for the safety of all CPES employees that the incident be reported without delay. Reporting any discrimination, harassment, violence, or potentially violent situations should be done immediately to management, or the human resources department.

Workplace violence has the potential to cause serious injury to a worker. As such, CPES will investigate all incidents of violence, prepare a report which outlines the circumstances of the violence, and retain this record of workplace violence for two years. In addition, the company will ensure that the report is available upon request to an occupational health and safety officer.

CPES shall offer appropriate assistance to any employee who is the victim of violence, discrimination, or harassment.

The company will ensure that a worker is advised to consult a health professional of the worker's choice for treatment or referral if the worker reports an injury or adverse symptom resulting from workplace violence or is exposed to workplace violence.

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Immediate/Informal Procedure

If you have been the subject of discrimination, violence, or harassment, you may:

- Confront the alleged offender personally, or in writing, clearly stating what the unwelcome behavior or action was and requesting that it stop immediately; or
- Discuss the situation with the alleged offender's supervisor or your supervisor. Any employee who is the victim of discrimination, violence, or harassment can and should, in all confidence and without fear of reprisal, personally report the occurrence to their supervisor or a manager.

Formal Procedure

An employee who is the subject of discrimination, violence, or harassment may make a written complaint using form CF-HR-12 to the management team. The written complaint must be delivered to the direct supervisor, or the Human Resources Manager in the event of a conflict of interest. It must include the following information:

- The date and time of each incident you wish to report
- The nature of the discrimination, violence, and/or harassment
- The name of any persons involved in the incident
- The name of any persons who witnessed the incident
- The event(s) that led up to the incident(s) in question
- Any particular reason why the events occurred
- The actual incident that led to a formal complaint

Once a written complaint has been received, CPES will complete a thorough investigation. Employees will not be demoted, dismissed, disciplined, or denied a promotion, advancement, or employment opportunity because they lodged a complaint when they honestly believed they were the subject of discrimination, violence, or harassment or the threat of violence in the workplace.

All complaints shall be handled in a limited disclosure manner including information concerning a complaint, or action taken resulting from the investigation.

**4.0 Investigation Procedures**

The investigation will include:

- Informing the accused of the complaint
- Taking statements from all parties involved. If necessary, the organization may employ outside assistance or request the use of our legal counsel. Where it is determined that discrimination, violence, or harassment has occurred, a written report of the remedial action will be given to the employees concerned (as necessary)
- Interviewing the complainant, any persons involved in the incident and any identified witnesses
- Interviewing any other persons who may have knowledge of the incident

A copy of the complaint detailing the complainant's allegations shall be provided to the respondent and contain the following information:

- The respondent is invited to reply in writing to the complainant's allegations
- The reply will be made known to the complainant before the investigation proceeds
- The organization will take all measures to prevent any unnecessary disclosure of the incident and the identities of the parties

If the complainant decides not wish to lay a formal complaint, senior management may decide that a formal complaint is required, which will be based on the investigation of the incident and will file such documents with the persons against whom the complaint is laid. Both parties will be advised of the findings of the investigation. All relevant information will be retained in a confidential file held by the Human Resources Manager handling the investigation.



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Where CPES has reason to believe that the conduct constitutes a criminal offence or human rights violation, CPES shall take the necessary steps to address such conduct and shall report the conduct to a higher authority where required by law.

### **5.0 Fraudulent or Malicious Complaints**

Unfounded, frivolous, or fraudulent allegations of violence and harassment may cause both the accused person and the company significant harm.

If the company determines that any employee has knowingly made false statements regarding an allegation of workplace discrimination, violence or harassment, immediate disciplinary action will be taken and may include immediate dismissal without further notice.

### **6.0 Confidentiality**

All records of discrimination, violence, or harassment, the circumstances of the incident and subsequent investigations including names of the complainant, the alleged person and witnesses are considered confidential and are strictly prohibited from being disclosed to anyone except to the extent required for investigation, corrective actions pertaining to the incident, informing of potential threat of violence or by law.

In the event where disclosure of information is required due to a potential threat, CPES will only disclose the minimum amount of personal information required.

In cases where criminal proceedings are forthcoming, the organization will assist police agencies, lawyers, insurance companies, and courts to the fullest extent. CPES will do everything it can to protect the privacy of the individuals involved and to ensure that complainants and respondents are treated fairly and respectfully. The organization will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law.

### **7.0 Reprisal**

This policy prohibits reprisals against individuals, acting in good faith, who report incidents of workplace discrimination, violence, or harassment or act as witnesses. Management will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further discrimination, violence, or harassment. Reprisal is defined as any act of retaliation, either direct or indirect.

### **8.0 Disciplinary Measures**

If it is determined by the company that any employee has engaged in violence or unacceptable conduct toward another employee, immediate disciplinary action will be taken. Such disciplinary action may involve a formal warning, and other disciplinary measures, and could result in immediate dismissal without further notice.

### **9.0 Employee Resources and Support**

Employees may also consult a health professional and/or utilize CPES's Employee Family Assistance Program (EFAP). The EFAP is a confidential short-term service that is assessible 24/7 at no cost to the employee or their dependents. To access the program contact:

#### **Hour Bank Benefit Plain (Open Circle)**

Lifeworks

1.877.916.9116

#### **Office Benefit Plan (Industrial Alliance)**

Homewood Health

1.800.663.1142

### **10.0 Applicable Forms and Resources**

- CF-HR-12 form - Violence and Harassment Complaint/Witness Form
- Appendix – Workplace Violence and Harassment for Supervisors
- Workplace Violence and Harassment Training – Available on e-School (Bistrainer)





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### **Guidelines**

- Alberta Occupational Health and Safety Code, Part 27 – Violence and Harassment
- Saskatchewan Occupational Health and Safety Regulations Part 3 – 3-25 Harassment & 3-26 Violence
- Manitoba Workplace Safety and Health Regulation, Part 10 – Harassment & Part 11 – Violence in the Workplace
- British Columbia Occupational Health and Safety Regulations, Part 4 – Violence in the Workplace