

TITLE

Violence, Bullying, Harassment, and Discrimination Policy

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DEVELOPING DEPARTMENT
Human Resources

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APPROVAL
David Clausen

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PURPOSE

- To provide a workplace that promotes dignity, mutual respect, understanding, awareness and cooperation of all employees
- To increase understanding and awareness that inappropriate behaviour is not tolerated in the workplace.
- Provide employees a formal report resolution process with remedies for handling bullying, harassment, and discrimination reports, without discouraging a worker from exercising their rights in relation to this policies contents.
- To hold offenders accountable for their behaviour.

POLICY STATEMENT

Violence, Bullying, Harassment, and Discrimination are potential hazards inside and outside of all workplaces. Arpac is committed to eliminating or, if that is not reasonably practicable, controlling the hazards of violence, bullying, harassment, and discrimination-free work environment for all employees. Arpac has developed a company-wide policy intended to eliminate and prevent inappropriate behavior or actions and to deal quickly and effectively with any incident that might occur. We exercise a zero tolerance to any form of violence, bullying, harassment, or discrimination.

Arpac is committed to providing the best possible work environment. Our goal is to provide a workplace that promotes dignity, mutual respect, understanding, awareness, and cooperation of all employees. We are further committed to providing a work environment that is free of violence, bullying, harassment, and discrimination, and will make every reasonable effort to ensure that no employee is subject to either.

Arpac will not condone any form of violence bullying, harassment, or discrimination of or by any of its employees in the workplace or at any work related and/or staff social functions. The term "workplace" applies to our buildings and surrounding property, lunchrooms, company vehicles, after-hours work functions, and customer job sites. This behavior is often illegal under both provincial and federal law.

Arpac will investigate all incidents of Violence, Bullying, Harassment, and Discrimination and take corrective action to address and prevent the incidents from occurring again. All reports will remain on file for at least 2 years as per legislative requirements.

This policy will be reviewed on an annual basis. Should there be an actual incident or report by a JHSC member, employee, supervisor, or manager, this policy will be reviewed earlier. Arpac is committed to maintaining confidentiality of personal information of those involved as and where appropriate.

APPLICABILITY

The Violence, Bullying, Harassment, and Discrimination policy applies to all employees and third parties of Arpac regardless of status or position. This behavior may be prohibited under the Criminal Code of Canada and can be prosecuted as such.

POLICY ELEMENTS

1. Violence Identification and Definition

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

Physical Violence

Physical violence is a physical attack or aggression (e.g. hitting, shoving, pushing or kicking a worker; throwing an object at a worker; kicking an object the worker is standing on, such as a ladder).

Non-physical Violence

Non-physical violence is characterized as a threatening behaviour (verbal or written) that is not physical in nature. Examples include:

- shaking a fist in a worker's face
- wielding a weapon at work
- trying to hit a worker
- trying to run down a worker using a vehicle or equipment such as a forklift
- destroying property or throwing objects
- verbally threatening to attack a worker
- leaving threatening notes or sending threatening emails to express an intent to inflict harm on a worker

Domestic violence

Domestic violence is a pattern of behaviour used by one person to gain power and control over another with whom a person has or has had a personal relationship. Domestic violence is characterized by abusive, coercive, forceful, or threatening acts or words used by one member of a family, household, or intimate relationship against another. Domestic violence may take the form of physical, emotional, sexual, financial, and/or spiritual abuse. This can range from subtle, coercive forms to violent acts that result in physical harm or death.

Domestic violence occurs in all sectors of society, regardless of age, gender, marital status, socio-economic status, sexual orientation, culture, or ethnicity.

Domestic violence is a workplace hazard. It may put the targeted worker at risk, and may pose a threat to co-workers. Domestic violence can occur between, but not limited to:

- current or former intimate partners
- people of all ages
- family members
- people of all racial, economic, educational and religious backgrounds
- people in heterosexual and same-sex relationships

Nature of the relationships could be:

- living together or separately
- married or unmarried
- in short- or long-term relationships

Domestic violence can enter the workplace through:

- Disruptive phone calls
- Harassing emails
- Inappropriate visits by the abuser
- Threats of harm to the victim's co-workers
- Physical violence in the workplace

Sexual violence

Sexual violence as a workplace hazard refers to any sexual act, attempt to obtain a sexual act, or other act directed against a worker’s sexuality using coercion, by any person regardless of their relationship to the victim, in a workplace or work-related setting.

Sexual violence exists on a continuum from obscene name-calling, to rape and/or homicide and includes on-line forms of sexual violence (e.g. Internet threats and harassment) and sexual exploitation.

2. Bullying, Harassment, and Discrimination Identification and Definition

Bullying and Harassment – including Sexual Harassment - are a form of discrimination. They involve any unwanted physical or verbal behavior or conduct towards another that the person knew, or reasonably ought to have known, would cause offence, humiliation, or intimidation.

Discrimination occurs when an act or decision is made that treats a person or group negatively for reasons defined under protected grounds as per Federal and Provincial Human Rights Legislation.

The protected grounds are:

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|-------------------------------|----------------------|--|
| • Race | • Disabilities | • Conviction for which a pardon has been granted or a record suspended |
| • National/ ethnic origin | • Marital status | • Gender Identity |
| • Colour | • Family status | • Gender Expression |
| • Religion/ religious beliefs | • Sexual orientation | |
| • Gender | • Political beliefs | |
| • Age | • Source of income | |
| | • Equal pay | |

Examples include:

Written Contact

- suggestive or obscene letters, memos, emails, notes, invitations, jokes;

Verbal Contact

- suggestive or obscene comments, inappropriate requests or demands, verbal aggression, threats, slurs, jokes, derogatory remarks, spreading malicious rumors, innuendo or taunts;

Physical Conduct

- intentional touching, pinching, patting, rubbing, brushing against another’s body, impeding or blocking movement, assault, coercing sexual relations, harmful hazing or initiation practices, exclusion of group events;

Visual Conduct

- leering or staring at another’s body, gesturing or displaying suggestive or pornographic objects, magazines, photos, cartoons, posters, etc.

2.1 Exclusions to Defining Bullying, Harassment, and Discrimination

- Reasonable action taken by a manager or supervisor relating to the management and direction of workers or the place of employment (e.g. managing a worker’s performance, taking reasonable disciplinary measures, or assigning work) is excluded
- Differences of opinion/ minor disagreements between co-workers are not generally considered to be workplace harassment but can turn into harassment if no steps are taken to resolve the conflict
- Offering constructive feedback, guidance, or advice about work-related behavior

3. Rights and Responsibilities

All employees hold rights and responsibilities within this policy including:

- The right to a bullying, harassment, and discrimination free workplace
- The responsibility to treat others with respect, including not engaging in bullying, harassing, or discriminatory behavior (this includes co-workers, managers, third party vendors, customers, contractors, and all other affiliates of Arpac)
- The responsibility to raise any concerns about Violence, Bullying, Harassment, and Discrimination and to report any incidents to management or human resources
- The responsibility to fully cooperate in any investigations that may take place
- The responsibility to report discriminatory or harassing behaviour

Supervisors and Managers rights and responsibilities additionally include:

- The right to evaluate employees based on criteria related to their job
- The responsibility to adhere to this policy and ensuring that measures and procedures are followed by workers
- Ensure workers have the information they need to protect themselves
- The responsibility to treat all employees, clients, suppliers, and contractors with respect
- The responsibility to report/ investigate all reports
- The responsibility to set a good example and to refuse to tolerate discrimination

4. Prevention

In all cases of violence, bullying, harassment and discrimination prevention is key. Wherever possible, this hazard has been eliminated for all positions. Arpac has a zero-tolerance policy to all forms of violence, bullying, harassment and discrimination. Where it cannot be eliminated, we will control by use of our no working alone policy, provide training on all aspects of the violence, bullying, harassment and discrimination, emergency response procedures, and all other policies and procedures that address conduct (Employee Conduct in the Workplace Policy and Safety Manual) that are provided to all employees in the form of policy education, sign off, safety orientation, and new employee orientation. In addition to this policy and related training, there are steps listed below to aid in prevention:

4.1. Building/ Office

- Be aware of co-workers in your building and regular visitors to your work area.
- Greet unaccompanied visitors in unauthorized areas and accompany them to the person/office/exit they are looking for.
- Always be aware of your surroundings, especially after regular working hours, including other people or noises, exits, alarms in hallways and stairwells and poorly lit areas
- Don't leave your keys or valuables unattended.
- Park in well-used and well-lit areas with lots of people.
- Walk to your vehicle after hours with co-workers or have someone escort you.
- Check around and in your car (front and back seat) before entering your vehicle.
- Hold your car keys in your hand, so you don't have to linger before entering your car.
- Immediately lock your car doors, keep your windows rolled up and drive away after entering your vehicle.

4.2. Travel for Work

Some Arpac employees have travel as a part of their regular work. Below are some steps to ensure safety during work related travel:

- Keep your doors locked while driving.
- Be aware of your vehicle's fuel level.
- Be alert of your surroundings, including people when stopped in traffic, at signs and lights.
- Use well-travelled roads and streets. Avoid shortcuts through alleys and side roads.
- Stop at a well-lit service station for directions if you are lost.
- Drive to a public place or a police or fire station if you think you are being followed.

- If you experience car trouble, pull safely off the roadway, pop the hood and call for help if you have a cell phone. If someone stops to help, stay in the locked car, roll down the window a little and ask them to call the police or a towing service.
- If possible, select a hotel with:
 - Electronic guest room locks. The majority of these locks automatically change the lock combination with every new guest. If you lose or misplace your key, ask to have your room re-keyed immediately.
 - Ensure your room equipped with a dead bolt lock and a peephole and secure locks on windows and adjoining doors.
 - Whenever possible do not accept a hotel room on the ground floor that has doors and windows that open to the outside. Hotels with interior hallways tend to be generally safer.
 - Hotels that have limited access to hotel structure, generally the more limited the access; the less likely a trespasser will enter.
 - The parking garage should not have elevators taking passengers to guest floors. It should only go to the lobby.
- When staying at a hotel:
 - Check that the locks on all windows and doors operate properly, including locks to adjoining rooms and deadbolts and safety clasps or chains on outside doors.
 - Know how the telephone works including how to make an outside call and numbers to call in case of emergency or incident. i.e. hotel security.
 - Open the door only when the guest is known. Verify hotel employee deliveries or service calls by calling the front desk.

5. Emergency Response

Violence, bullying, harassment, and discrimination have the potential to pose a threat to personal safety in the workplace. In all circumstances ensure you:

- Try and create a calm, non-threatening atmosphere
- Talk slowly, quietly, firmly and simply
- Make it easy for the person to leave the building/area
- Do not attempt to physically subdue the person.
- Follow the report and resolution process (section 7 Report and Resolution Processes of this policy).

In events where personal safety is not at an immediate risk:

1. If and where possible, excuse yourself to gain assistance. For example, "I will go grab a manager to help you with your concern". The proceed to gain assistance from someone in the vicinity.
2. If you are not able to excuse yourself and need assistance from others page the branch intercom: **"Client Support Line 204"**
3. This page will indicate to others in the branch that there is a situation that the assistance of multiple people is required.

If an event is likely to pose a risk to personal safety of yourself or others follow the steps below:

1. Leave to find assistance if possible.
2. If it is not safe to leave to obtain assistance, secure your own safety by evacuating.
3. If you cannot safely evacuate, then find go into the nearest office and lock the door.
4. Warn others of the situation to ensure their safety by paging the branch intercom/ calling the other buildings (as in Delta) and telling them to evacuate.
5. Call 911

6. Confidentiality

Arpac is committed to maintaining confidentiality of personal information of those involved as and where appropriate. The respect for privacy is an important aspect of a respectful workplace. Issues related to bullying, harassment, and discrimination will be treated confidentially; however, there are limitations to confidentiality. When a Manager, Supervisor, or Human Resources becomes informed of situations involving bullying, harassment, or discrimination, they will be obligated to intervene. This is regardless of a request to keep the situation private. Reports of violence, bullying, harassment, and discrimination will be received and managed in a confidential manner. Information will be used for its intended purpose only. Absolute confidentiality cannot be guaranteed as the resolution process must involve others. Only those people involved in the process, including the complainant, respondent, witnesses and others involved in resolving the report, will have access to the information collected. Further, they will receive only as much information as they need to receive. These individuals would be required to maintain confidentiality throughout the investigation process. Those who are found to have breached confidentiality may be subject to disciplinary action.

In the event that a request for information is received, information will be released in accordance with the Access to Information and Protection of Privacy Act or as outlined above or additional related legislation.

7. Report and Resolution Processes

Arpac requires that all employees will report all instances of violence, bullying, harassment, and discrimination that occur in the workplace or at any work-related function. It is the responsibility of management to take immediate and appropriate action to report or deal with incidents of violence, bullying, harassment, or discrimination of any type, whether brought to their attention or personally observed. Under no circumstances will a legitimate report be dismissed or downplayed nor will the complainant be told to deal with it personally.

7.1. Formal Report and Resolution Process

If an employee is subjected to or witnesses, an act of violence, they are to follow the set-out emergency plan to ensure personal safety (Section 5 Emergency response and in the OHS safety manual).

If any employee feels that he or she has been subjected to violence, has been bullied, harassed, or discriminated against, or is witness to such action, tell the harasser that their behaviour is unwelcome and ask them to stop.

Employees must report all situations of violence, bullying, harassment, and discrimination to their manager, another manager they feel comfortable speaking with, or Human Resources. While the initial notification can be verbal, a formal signed written report will be required, including details such as date, times, locations, possible witnesses, what happened, the response. Once this written report is received an investigation will be prompted.

The report will be kept strictly confidential and individuals will only be informed on a need to know basis. All reports will be dealt with in a timely manner, taken seriously, and confidentiality will be maintained as appropriate and in accordance with this policy.

Due to the best interest of all involved, a need-to-know basis may include but not limit the following depending on the situation: human resources, the immediate manager, the department manager, the alleged harasser and their immediate manager, witnesses, company president, legal corporate counsel, and the police. An investigation will be undertaken immediately and all necessary steps taken to resolve the problem. If appropriate, action taken may include conciliation. If the report is criminal in nature the police will be contacted.

Both the complainant and the alleged will be interviewed, as will any individuals who may be able to provide relevant information. All information will be kept in confidence.

A written summary will be available to both the complainant and the alleged offender. Both parties will be provided the opportunity to comment.

If the investigation reveals evidence to support the report of violence, bullying, harassment, or discrimination, the offender will be subject to appropriate disciplinary action, including written warning, suspension without pay, and termination of employment without notice. The incident will be documented in the harasser's file. No documentation will be placed on the complainant's or the witnesses files when the report is honest and has been made in good faith, whether the report is upheld or not.

If the investigation fails to find evidence to support the report, there will be no documentation concerning the report placed in the file of the alleged harasser. Regardless of the outcome of a report, the employee lodging the report, as well as anyone providing information, will be protected from any form of retaliation by either co-workers or superiors, so long as all information is truthful and provided in good faith. This includes dismissal, demotion, and unwanted transfer, or denial of opportunities within the company of an individual as a result of their having made a report or having provided evidence regarding the report. Those involved are obligated to make reports in good faith, not report false information or report for malicious reason, knowingly withheld pertinent information, or knowingly supplied untrue information within an investigation.

7.2. Third Party Report and Resolution Process

Arpac expects all third parties to be treated with respect from all Arpac employees, as well as our employees be treated the same. If a report is made involving a third party this process will follow all the same steps outlined in 7.1. Formal Report and Resolution Process. This is whether the report is made from a third party or from a complainant involving a third party.

The process may involve representatives of the third party. The third party is additionally welcomed to have their representatives (i.e. employer) carry out their own investigation as well.

8. Remedies and Corrective Action

If the investigation reveals evidence to support the report of violence bullying, harassment, or discrimination, the offender will be subject to appropriate disciplinary action, as outlined below. Remedies will require approval and sign off by the Human Resources Manager. Remedies may include but are not limited to the following listed below:

Internal Report and Resolution Process:

- An oral or written apology
- An employment transfer away from the harasser/ complainant, the reversal of a transfer, or assurance that a transfer will not occur.
- A referral for appropriate counselling for the complainant
- A written reprimand of the guilty offender
- A suspension with or without pay to the guilty offender
- A demotion of the guilty offender
- The requirement to attend anti-harassment / human rights training for the guilty offender
- The termination or dismissal for the guilty offender, without notice

The Third Party Report and Resolution Process also includes the following:

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- The suspension or cancellation of existing contract
- The offender banned from Arpac sites
- Third Party Employer discipline

9. Employee Support

Arpac is committed to supporting all employees who are subjected to any form of violence bullying, harassment, or discrimination. This includes but is not limited to all federal and provincial legislative provisions, personal safety plans, and EAP consultative services.

9.1. Violence, Bullying, Harassment, or Discrimination Support

Any employee who is subjected to violence, bullying, harassment, or discrimination is advised to consult a health professional (of the worker's choice) for treatment or referral.

Arpac offers all employees full access to our LifeWork's employee and family assistance program. This confidential resource is available 24 hours a day, 7 days a week. Our program offers counselling and supportive services for all forms of violence, bullying, harassment, or discrimination.

9.2. Personal Safety Plans

If an employee reports a situation of domestic violence or a situation that poses a threat to their personal safety, appropriate steps will be taken to ensure their own personal support and safety in the workplace. A personal safety plan will be established in joint consultation with the employee who is affected, their immediate manager, and human resources.

Personal safety plans will include a review date and will not end until all parties are in agreement. This includes ensuring the employee's personal safety can be maintained without the plan, or there is a substantial resolution to the cause.

Elements may include (but are not limited to):

- Assisting victim in screening calls.
- Walking the victim to/from car or public transportation before/after work, ensuring they have the most secure parking spots.
- Ensuring the victim's cell phone has 911 on direct dial.
- Using internal code words.
- Specified grounds for when police should be called.
- Ensuring doors are monitored and/or locked.
- Having a trusted emergency contact for the victim if they are absent and the employer cannot reach the worker.
- Having workplace parking lots and entryways well lit.
- Helping the employee be less visible (possibly removing their name off an office door, taking their name off the website).
- Scheduling or shift changes.
- Regular check-ins. If the employee is working off-site this may include either telephone/ in-person/ or a combination of check-ins.

