

 <p>Policies and Procedures</p>	Number: 1110	Title: Respectful Workplace Policy		
	Last Revision:	March 2022		
	Effective:	May 2, 2016	Next Review:	March 2023

Policy:

Mountain Transport Institute Ltd. (MTI) is committed to creating an inclusive and healthy workplace where employees are valued and treated with dignity and respect. It is intended that this policy will help to prevent discrimination and harassment of any type and provides guidelines on addressing workplace discrimination / harassment as quickly and efficiently as possible. Discrimination and harassment are not acceptable and will not at any time be tolerated.

Mountain Transport Institute Ltd. (MTI) prohibits its employees from harassing other employees, students, carriers, customers or anyone else during the course of employment.

MTI also prohibits its students from harassing staff, other students or anyone else during the course of their enrollment to MTI.

Violations of this policy will not be permitted and will result in disciplinary action up to and including discharge from employment for employees and enrollment from training for students.

Scope:

This policy applies to all employees and any independent contractors of MTI while engaged in activity related to their employment contract with MTI, whether on company property or elsewhere, as well as all students enrolled in any training program with MTI.

Definition of Terms:

Discrimination is any act of omission that results in unjust or prejudicial treatment of different categories of people. Differences may be based on race, marital status, religious beliefs, family status, colour, age, gender, ancestry, physical disability, place of origin, mental disability, source of income, sexual orientation, or any other ground covered by the British Columbia Human Rights Code.

Workplace discrimination, as defined by the Canadian Human Rights Commission, means putting an employee at a disadvantage based on prohibited grounds. Discrimination may happen intentionally or inadvertently and results in barriers to workplace equity because it blocks access to equal opportunities.

Harassment is a form of discrimination and means any unwanted physical or verbal conduct directed to one or more individuals and causes offence or humiliation. As a guideline, an example of a discriminatory or harassing behaviour is making derogatory remarks or compromising invitations that result in a negative or hostile work environment.

Verbal abuse is the use of vexatious comments that are known, or that ought to be known, to be unwelcome, embarrassing, offensive, threatening, or degrading to another person (including swearing, insults, or condescending language) which causes the person to believe their health and safety is at risk.

A **Threat** (verbal or written) is a communicated intent to inflict physical or other harm on any person or to property by some unlawful act. A direct threat is a clear and explicit communication distinctly indicating that the potential offender intends to do harm, for example, "I am going to make you pay for what you did to me." A conditional threat involves a condition, for example, "If you don't leave me alone you will regret it." Veiled threats usually involve body language or behaviours that leave little doubt in the mind of the victim that the perpetrator intends to harm.

Physical attacks are aggression resulting in a physical assault/abuse with or without the use of a weapon. Examples include hitting, shoving, pushing, punching, biting, spitting, groping, pinching, or kicking the victim, unwelcome displays of affection or inciting a dog to attack.

Psychological abuse is an act that provokes fear or diminishes an individual's dignity or self-worth or that intentionally inflicts psychological trauma on another.

Assault is any intent to inflict injury on another, coupled with an apparent ability to do so; any intentional display of force that causes the victim to fear immediate bodily harm.

Sexual abuse is any unwelcome verbal or physical advance or sexually explicit statement, displays of pornographic material, pinching, brushing against, touching, patting, or leering which causes the person to believe their health and safety is at risk.

Sexual assault is the use of threat or violence to force one individual to touch, kiss, fondle, or have sexual intercourse with another.

Sexual Harassment means any offensive or humiliating behaviour on the grounds of gender. This includes demands for sexual favors in exchange for rewards or favorable consequences. Generally, sexual harassment is deliberate, unsolicited, and one sided. Anyone can be a victim or perpetrator of sexual harassment.

Near miss is an event that does not end in injury, illness or damage, but had the potential to do so.

Examples of Bullying and Harassment:

Some examples of bullying and harassment include:

- Spreading malicious rumours, gossip or innuendo;
- Verbally and/or physically harassing one who chooses to wear a mask and/or keep their physical distance;
- Excluding or isolating someone socially;
- Intimidating a person;
- Undermining or deliberately impeding a person's work;
- Constantly changing work guidelines;
- Establishing impossible deadlines that will set up the individual to fail;
- Withholding necessary information or purposefully giving out the wrong information;
- Expressing anger and irritation often and overtly, this includes our body; language on one side and on the other extreme, it includes swearing, yelling, screaming and using profanity;
- Assigning unreasonable duties or workload which are unfavorable to one person, in a way which creates unnecessary pressure;
- Underwork - creating a feeling of uselessness;
- Intruding in on personal privacy by pestering, spying or stalking in both the physical world and social media;
- Criticizing a person persistently or constantly;
- Belittling a person's opinions;
- Tampering with a person's personal belongings or work equipment;
- Insulting, abusive or degrading comments.

Principles:

In general, individuals covered in this policy have a responsibility to ensure that the working environment is free from harassment. Key responsibilities include refraining from actions and behaviours that might constitute discrimination/harassment as well as any other reasonable involvement to achieve the objectives of this policy.

Procedure:

Reporting Discrimination/Harassment:

- Any individual covered by this policy who has experienced discrimination/harassment at MTI or at any work-related location outside the company should be proactive and encouraged to act before the behaviour becomes repetitive by informing the harasser his/her behaviour is inappropriate

and ask him/her to stop. If the harassment continues or if the petitioner does not wish to bring the matter directly to the alleged harasser, the person should report the problem to Andy Roberts, President. This individual is the “Advisor” under this policy.

- Any discrimination/harassment events must be documented and should include description of the incident, date and time, location, possible witnesses and responses of all individuals involved. This action is not mandatory to file a complaint but provides specific details and strengthens the case.
- The Advisor shall inform the petitioner of his/her right to keep the matter at the report stage or make a formal written complaint under this policy as well as other rights including:
 - Any counseling or other support services provided outside of MTI; and
 - Other avenues of recourse such as filing a discrimination/harassment complaint with the BC Human Rights Tribunal. Complaints must be received by the Human Rights Tribunal within 21 days of the alleged incident.

Resolution:

- At the Meeting Stage
 - After discussing the matter the petitioner and the Advisor agree that no discrimination/harassment occurred at the incident(s) in question, the Advisor will take no further action and will make no record in any file.
 - If it was determined that discrimination/harassment has occurred, but the petitioner does not wish to make a formal written complaint, the Advisor should still engage in proactive measures to resolve the incident, like an informal discussion with the harasser. No formal investigation will be undertaken nor will written records be kept.
 - The Advisor may still make a written complaint if there have been previous complaints against the alleged harasser. Written complaints by an Advisor should be signed and provided to the petitioner, alleged harasser and management.
 - If the petitioner decides to make a formal written complaint, the Advisor should assist the petitioner in drafting a complaint and provide copies to the petitioner, alleged harasser and management.
- Investigating the Complaint
 - Upon review of the formal written complaint, an investigation would be conducted immediately. Possible investigators include another designated

individual within the company, or an outside investigator, for as long as the appointed person can conduct a thorough and unbiased investigation.

- At a minimum, an investigation should include individual interviews with the petitioner, the alleged harasser(s) and witnesses to the incident, if any. The alleged harasser(s) should be given enough information about the allegations against them to allow them to respond appropriately.
- On completion of the investigation, the investigator will inform the petitioner, alleged harasser, and management, as to his/her findings and recommendations.

➤ **Disciplinary Action and Closure**

- If the investigation substantiates the complaint of discrimination / harassment, the harasser will be disciplined appropriately. Depending on the nature and severity of the harassment, disciplinary actions may include: a verbal and/or written apology; letter of reprimand from MTI; referral to counseling; removal of certain employment privileges; temporary suspension with or without pay; and/or termination of employment or contract. No documentation will be placed on the petitioner's file where the complaint is filed in good faith, whether the complaint is upheld or not. If the investigation fails to find evidence to support the complaint, no documentation will be placed on the alleged harasser(s)' file(s).
- Regardless of the outcome of a harassment complaint made in good faith, petitioners, advisors, as well as anyone who supported or was involved in the petition and/or investigation will be protected from any form of retaliation by the rest of the employees of MTI.

Employee duties in addressing the Hazard of Workplace Bullying and Harassment

A worker's obligation to take reasonable care to protect the health and safety of themselves and others includes:

- Not engaging in bullying and harassment of other workers at MTI or persons acting on behalf of MTI;
- Reporting if bullying and harassment is observed or experienced in the workplace; and
- Applying and complying with MTI policies and procedures on bullying and harassment.

MTI's duties in Addressing the Hazard of Workplace Bullying and Harassment

MTI's obligation to ensure safety of workers includes:

- Not engaging in bullying and harassment of workers, or persons acting on behalf of MTI; and
- Applying and complying with policies and procedures on bullying and harassment.

Please refer to WorkSafeBC's 'toward a respectful workplace: a handbook on preventing and addressing workplace bullying and harassment' for further details on aspects of this policy. A copy is available for your reference at the office. If you have any questions regarding this policy, please refer them to Natalie Roberts, Vice President.