



Horizon Utilities Corporation – Policies & Procedures

Subject: Discrimination and Harassment in the Workplace	
Section: Corporate	Number: 1.07
Issued: March 30, 2006	Revised: May 21, 2009

Application:

This program applies to Horizon Utilities Corporation (“Horizon”) and all of its employees.

Purpose:

All employees, contractors and customers have the right to work and be served in an environment free of discrimination and harassment, as defined by the Ontario Human Rights Code (the “Code”).

Policy:

Horizon is committed to providing and maintaining a work environment in which all employees are free from workplace harassment and discrimination. Such actions are expressly prohibited by Horizon and will not be tolerated. The definition of discrimination, harassment, prohibited behaviours and practices are contained in Appendix A of this policy.

Horizon recognizes that individuals may find it difficult to come forward with a complaint because of concerns of confidentiality. Therefore, all complaints concerning workplace harassment or discrimination, as well as the names of parties involved, shall be treated as confidential. Horizon’s obligation to conduct an investigation into an 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.

All employees are strongly encouraged to report all actual or suspected incidents of discrimination and harassment. Horizon will investigate these incidents promptly and confidentially and endeavour to resolve such complaints internally to the mutual satisfaction of the parties.

Management staff have an obligation to report discrimination and harassment incidents that take place in another department to the Department Head and advise their immediate supervisor of the action taken.

Retaliation or reprisals are prohibited against any employee who has raised a concern or complained under this Policy and Procedure or has provided information regarding a complaint. If a claim of discrimination or harassment is proven or if there are any retaliation or reprisals, both are subject to appropriate disciplinary action up to and including dismissal. This Policy and Procedure applies not only during working time, but also to any activities on or off company premises, which could reasonably be associated with the workplace (e.g., social events).

Horizon recognizes that education programs are an integral part of preventing discrimination and harassment in the workplace. To that end, Horizon shall provide appropriate training to employees and management staff, to ensure they know this Policy and Procedure, their rights and obligations, how it will apply to them and how it will be enforced.

At any time, an individual has the right to contact their union representative, Horizon's Human Resources Department, the Human Rights Commission or to retain separate legal counsel.

In situations not involving discrimination and harassment under the Ontario Human Rights Code, an employee can approach the Director, Human Resources in confidence to discuss the concern and for guidance.

Procedure:

Step 1 – Self-Help

Employees are encouraged to attempt to resolve their concerns by direct communication with the person(s) engaging in the unwelcome and offensive conduct. Where employees feel confident or comfortable in doing so, they should communicate disapproval in clear terms to the person(s) whose conduct or comments are offensive. They should also keep a written record of the date, time, details of the conduct, and witnesses, if any, for future reference if needed.

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 his/her immediate supervisor or manager. The manager will investigate the complaint, assess the merit of the complaint and the remedy requested, ensure that corrective action is taken as necessary and document the investigation.

In the event that an employee is uncomfortable discussing the complaint with his/her immediate supervisor, he/she should report it to the next level of management or at the level with which they feel comfortable.

When an incident has been reported at Step 2, the management staff involved will notify the Director, Human Resources and seek guidance on appropriate procedures.

The manager will then conduct an investigation, handling and resolution of the complaint, forward the finalized investigation report to the Director of Human Resources, who will keep it in her/his charge.

Step 3 – Formal Written Complaint

If informal attempts at resolving the issue are not appropriate, or proving to be ineffective, a formal complaint may be filed. In filing a formal complaint, an employee:

- i. Provides a letter of complaint that contains a brief account of the offensive incident (i.e., nature of the complaint, when and where 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. Files the complaint with the Director, Human Resources; and,
- iii. Cooperates in the investigation of the complaint.

Formal Complaints shall be investigated thoroughly and promptly. The investigation process shall involve interviews with the complainant, the respondent and any witnesses named by either party involved in the complaint. A union or other internal representative (management or employee) may be present at the interview if requested. In conducting an investigation, written notes should contain these details:

- Name and position of individual(s) involved;
- What happened – a description of the event(s) or situation and the circumstances or context in which the incident(s) took place;
- When it happened – dates and times of the event(s) or incident(s);
- Where it happened;
- Who saw it happen – the names of any witnesses, if any.

Within thirty (30) days of receipt of the written complaint the Director, Human Resources shall:

- Investigate the incident(s)
- Prepare a draft report
- Review the contents for factual accuracy and completeness with the individuals involved
- Amend the report if necessary and prepare a final written report of the investigation
- Assess the merit of the complaint and the remedy sought
- Recommend a resolution to the appropriate Executive, and obtain approval for implementation

- Discuss the results of the investigation and the recommendations to resolve the complaint with each of the parties separately or, if agreed by the complainant, jointly
- Implement a resolution satisfactory to the parties and the Corporation
- If no resolution, advise the parties of their options and rights to pursue other courses of action

All complaints shall be handled in a discreet and confidential manner. Information concerning a complaint, or action taken as a result of the investigation, will be kept in a separate personal file by the Director of Human Resources and will not be disclosed to anyone who is not involved with the investigation and the resolution of the complaint.

Disciplinary action for violations of the Policy and Procedure will take into consideration the nature and impact of violations, and may include a verbal or written reprimand, suspension (with or without pay) or termination (with or without notice) or other such appropriate measures in the circumstances to resolve the complaint. Similarly, deliberate false accusations are of an equally serious nature and will also result in disciplinary action up to and including termination without notice for just cause.

It should be noted that an unproved allegation does not mean that discrimination or harassment did not occur or that there was a deliberate false allegation. It simply means that there is insufficient evidence to proceed or that while the complainant may have genuinely had reason to believe that there was discrimination or harassment, the investigation has not borne out the complaint.

Appendix A

Definitions

Discrimination:

Discrimination includes, but is not limited to, unequal treatment based on one or more of the prohibited grounds, except where conduct is permitted under the Ontario Human Rights Code (the "Code"). Discrimination also includes failure to provide appropriate employment accommodation in accordance with this policy and the Code. Discrimination can be intentional or unintentional, direct or indirect (but where the result is adverse impact on prohibited grounds).

Employment Accommodation:

Employee accommodation involves an individualized process where the employer removes barriers in the workplace that keep a qualified employee with a disability from participation equally in all aspect of employment. Employment accommodation must be done in consultation with the individual requiring the accommodation and be tailored to meet that person's needs.

Harassment:

Harassment is a course of vexatious comment or conduct (based on one or more of the prohibited grounds under the Code), that is known or ought to be known to be unwelcome. Where a single such event appears to create a poisoned work environment, it is also considered a violation of this policy and the *Code*.

Poisoned Work Environment:

Poisoned work environment entails an infringement of every person's right to equal treatment with respect to employment, which refers to comments, behaviours or work environments that ridicule, belittle or degrade people or groups identified by one or more prohibited grounds of this policy. A poisoned work environment could result from a serious and single event, remark or action and need not be directed at a particular individual.

Sexual Harassment:

Sexual harassment occurs when an employee receives unwelcome sexual attention from another employee and such comment or behaviour is known or should reasonably be known to be unwelcome. It also occurs when an employee is threatened or penalized by a loss of job, or by a denial of advancement, raise or other employment benefit for refusing to comply with sexual demands by a person in a position of authority who knows or should reasonably know that the sexual attention is unwelcome.

Workplace Restoration:

Workplace restoration is promoting and/or restoring positive and respectful workplace relationships.

Prohibited Grounds of Discrimination

This policy covers the Ontario Human Rights Code's 14 prohibited grounds of employment-related discrimination and harassment. Those are race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex (including pregnancy), sexual orientation, age, record of offences, marital status, family status, or handicap (disability).

Prohibited Behaviours and Practices include:

- Employment-related discrimination or harassment which occurs both at and outside of the workplace, e.g., conference employment-related discrimination or harassment of a person because of her or his relationship, association or dealings with another person identified by a prohibited ground under this policy or because a person is believed to be a member of a group covered by a prohibited ground under this policy
- Sexual harassment
- Discrimination or harassment in any aspect of employment, such as recruitment, hiring, promotion, training, layoff, pay and benefits, termination, job assignments, leaves of absence
- Failure to provide appropriate employment accommodation, that is both timely and effective
- Creating, contribution to or condoning a poisoned work environment
- Failure of management, in keeping with its authority, to respond adequately to information about discrimination, harassment or poisoned work environment; such failure may be considered condoning of discrimination and/or harassment
- Interference with an investigation; intimidating a complainant (the person making a complaint) or respondent (the person against whom a complaint is made) or witness or influencing a person to give false or misleading information
- Threatening, or actually retaliating against either an employee or exercising a right under this policy, or against any other person who is performing a legitimate role under this policy; appropriate management response to an employee acting abusively or unacceptably is not considered to be retaliation
- A malicious or bad faith allegation, complaint or accusation by an employee that someone else has violated this policy

DISCRIMINATION AND HARASSMENT INVESTIGATION FORM

COMPLAINANT: _____

RESPONDENT: _____

INVESTIGATOR: _____

DATE OF COMPLAINT: _____

DATE OF REPORT: _____

IS THIS THE FIRST COMPLAINT INVOLVING THE COMPLAINANT AND
RESPONDENT?

YES NO

DID THE COMPLAINANT TAKE STEP 1, SELF HELP OF THE PROCEDURE?

YES NO

COMPLAINANT'S STATEMENT

RESPONDENT'S STATEMENT

ARE THERE PROHIBITED GROUNDS IN THIS CASE? IF YES, WHAT ARE THEY AND EXPLAIN WHY?

WHAT IS THE FORM OF ALLEGED DISCRIMINATION OR HARASSMENT IN THIS CASE? (WAS THE PERSON DENIED SOMETHING, MISTREATED BECAUSE OF THEIR STATUS IN A DESIGNATED GROUP, HARASSED?)

WHAT INFORMATION DO YOU HAVE THAT SUPPORTS THE INCIDENT(S) OR EVENT(S) TOOK PLACE? CAN YOU PROVE THAT THEY TOOK PLACE?

WHEN AND WHERE DID THE INCIDENT(S) OR EVENT(S) TAKE PLACE? IS IT IMPORTANT IN DETERMINING FACTS OF THE CASE?

WERE THERE ANY WITNESSES THAT CAN VERIFY INFORMATION?

IS THERE ANYONE ELSE WHO HAS KNOWLEDGE OF THE EVENT(S) OR WHO HAS EXPERIENCED SIMILAR INCIDENT(S) OF UNWANTED BEHAVIOR?

IS THERE ANY PHYSICAL EVIDENCE (E-MAILS, LETTERS, VOICEMAIL, POSTERS, ETC.)?

IS THERE OTHER "SIMILAR FACT" EVIDENCE – EVIDENCE THAT SUGGESTS THE BEHAVIOR IS BELIEVABLE OR CREDIBLE?

WHAT IMMEDIATE CORRECTIVE ACTIONS HAVE YOU TAKEN TO PREVENT UNWANTED BEHAVIOR? ARE FUTURE ACTIONS PLANNED?

IS THERE ANY OTHER RELEVANT INFORMATION?
