

Workplace Anti-Violence, Discrimination and Harassment Policy

Purpose

The Canadian Public Accountability Board (CPAB) is committed to providing a safe and healthy work environment - free from violence, discrimination, harassment, bullying, intimidation and any other misconduct - for CPAB employees, consultants, contractors, temporary employees and members of the board of directors (collectively, individuals). CPAB does not condone and will not tolerate any such acts against or by any persons including individuals.

The purpose of CPAB's Workplace Anti-Violence, Discrimination and Harassment Policy (Policy) is to minimize the risk of violence, discrimination or harassment occurring in the workplace, and to provide a process should an incident or alleged incident of violence, discrimination or harassment take place, or should anyone become aware of a potentially violent, discriminating or harassing situation. This Policy is not meant to limit free speech or to interfere with everyday interactions. However, our everyday interactions should not make people feel unsafe, discriminated against or harassed.

All CPAB individuals are accountable and responsible for complying with and enforcing this Policy. Individuals must make efforts to prevent discrimination, harassment or violent behavior. If it is safe to do so they must intervene immediately and report any incidents or perceived incidents in accordance with this Policy. Individuals must also report incidents or perceived incidents if they observe one or if an incident is reported to them.

This Policy applies to all individuals. CPAB will not tolerate violence, discrimination or harassment in any context whether engaged in by any individuals or contract service providers to CPAB.

For the purposes of this Policy, workplace violence, discrimination and harassment can occur:

- At the workplace.
- At CPAB organized social functions.
- During work assignments outside the workplace.
- During work-related travel.
- Over the telephone or via other electronic means of communication, if the conversation is work-related.
- Elsewhere, if the person is there as a result of work-related responsibilities

Application

This Policy applies to all individuals. CPAB will not tolerate violence, discrimination or harassment in any context whether engaged in by any individuals or contract service providers to CPAB.

CPAB will not tolerate any form of harassment or discrimination against job candidates or individuals on any grounds mentioned below, whether during the hiring process or during employment, engagement or appointment. This commitment applies to training, performance assessment, promotions, transfers, layoffs, remuneration, and all other employment practices and working conditions.

Legislation

This Policy is guided by the *Occupational Health and Safety Act*, the *Ontario Human Rights Code* and similar legislation in other provinces in which CPAB operates. *Canada's Criminal Code* also prohibits violence and harassment.

Responsibilities and Accountabilities

CPAB

CPAB has a responsibility to:

- Provide a safe working environment, free from workplace violence, discrimination and harassment.
- Provide an environment that supports prospective complainants in reporting all incidents of actual or alleged workplace violence, discrimination and or harassment.
- Provide a mechanism to review and investigate, if appropriate, complaints made under this Policy.
- Treat all complaints regarding workplace violence, discrimination or harassment seriously and promptly.
- If CPAB becomes aware or ought reasonably be aware that domestic violence that would likely expose an individual to physical injury may occur in the workplace, CPAB will endeavour to take every precaution reasonable in the circumstances for the protection of the individual.

Management

Management has a responsibility to:

- Ensure, as much as reasonably possible, that no individuals are subject to workplace violence, discrimination or harassment and to intervene when such conduct is observed, even in the absence of a formal complaint.
- Help protect individuals from workplace violence, discrimination and harassment by communicating and enforcing the Policy and instructing and equipping individuals as appropriate.
- Model the conduct expected of everyone at CPAB.
- Respond as soon as possible to complaints regarding workplace violence, discrimination and harassment.
- In consultation with the Talent team, apply corrective action when they are aware of an incident or potential incident of workplace violence, discrimination or harassment and or when individuals are found to be in violation of the Policy.
- Carry out supervisory responsibilities, including performance reviews and discipline, in a manner that does not abuse their authority.

Employees, Temporary Employees, Inspection Consultants, Contractors and Members of the Board of Directors

Individuals including employees, temporary employees, inspection consultants, contractors and members of the board of directors have a responsibility to:

- Work together in a professional manner to ensure the work environment is free from workplace violence, discrimination and harassment.
- Refrain from engaging in any behavior that may be perceived as workplace violence, discrimination or harassment.
- Report incidents of actual or alleged workplace violence, discrimination or harassment and reprisal or retaliation promptly.

Managing and / or Coaching

- Coaching, performance appraisal, work assignments, and the implementation of disciplinary measures are not forms of discrimination or harassment, and this Policy does not restrict a manager's or/ supervisor's responsibilities in these areas.

Definitions

Workplace

Workplace means any land, premises, location or thing at, upon, in or near which an individual works. If an individual is being directed and paid by CPAB to be there or near there, it is considered a workplace.

Workplace Violence

Workplace violence means:

- The exercise of physical force by a person against an individual in a workplace that causes or could cause physical injury to the individual.
- An attempt to exercise physical force against an individual in a workplace that could cause physical injury to the individual.
- A statement or behavior that is reasonable for an individual to interpret as a threat to exercise physical force against the individual in a workplace that could cause physical injury to the individual.

Domestic Violence

Domestic violence is generally acknowledged to be a pattern of behavior in an intimate relationship (or formerly intimate) that is meant to intimidate and control the victim. Abuse in a domestic situation can take many forms including physical, sexual, emotional, psychological and financial. Any attempt to carry out these actions towards an individual at work is considered workplace violence.

Discrimination

Any conduct or comment which intimidates or causes humiliation to an individual because of their age, religion, sexual orientation, gender identity, gender expression, family or marital status, pregnancy, mental or physical disability, race, ancestry, place of origin, ethnic origin, citizenship, color or any other personal characteristic protected by applicable human rights legislation is considered discrimination. It can mean any form or unequal treatment based on the above grounds including imposing extra burdens or denying benefits. Examples of conduct which may amount to discrimination include:

- Unwelcome remarks, jokes or innuendos about a person's personal characteristics.
- Displaying racist, sexist or otherwise derogatory pictures or other offensive material.
- Insulting gestures or jokes which create awkwardness or embarrassment.
- Refusing to speak to or work with someone or treating someone differently because of one or more of their personal characteristics.

Personal Harassment

Vexatious comments or conduct against an individual in the workplace that is known, or ought reasonably to be known, to be unwelcome, especially any hostile and abusive work-related conduct, comments, or gestures can be harassment. If an individual does not explicitly object to the harassing behavior, or appears to be going along with it, this does not mean the behavior is acceptable. The behavior could still be considered harassment under this Policy if, viewed objectively, a reasonable person would be likely to view the conduct as unwelcome. Generally, harassment is a behavior that persists over time. Serious one-time incidents can sometimes also be considered harassment.

Harassment includes bullying. Bullying is any inappropriate conduct or comment by a person towards an individual that the person knew or reasonably ought to have known would cause that individual to be humiliated or intimidated. It excludes any reasonable action taken by an employer or supervisor relating to the management and direction of employees, temporary employees, contractors or consultants or the place of employment. Examples of conduct or comments that might constitute bullying include yelling, verbal aggression or insults, derogatory name-calling, harmful hazing or initiation practices, vandalizing personal belongings, and spreading rumors.

Sexual Harassment

Sexual harassment means:

- Engaging in vexatious conduct against an individual in a workplace based on sexual orientation, gender identity or gender expression, where the conduct is known or ought reasonably to be known to be unwelcome.
- Sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to an individual where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome.
- Reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the individual.
- Bragging about sexual prowess.

- Offensive jokes or comments of a sexual nature about an individual.
- Unwelcome language related to gender.
- Display of pornographic or sexist pictures or materials.
- Leering (suggestive persistent staring).
- Unwanted physical contact such as touching or patting.
- Any gender-related actions that create a hostile, intimidating or offensive workplace. This may include physical, verbal, written, graphic, or electronic means.

Reprisal

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

CPAB Risk Assessment, Notification and Safe Work Procedures

CPAB conducts risk assessments of its work environment to identify issues related to potential violence at the workplace and will institute measures to control any identified risks to individuals' safety. The risk assessment may include a review of records and reports (e.g. security reports, employee incident reports, staff perception surveys, health and safety inspection reports, first aid records or other related records). Specific areas that may contribute to risk of violence include contact with the public, exchange of money, entrances and exits, working alone or at night, etc.

If a manager is aware that an individual can be expected to encounter a person with a history of violent behavior, and the risk of workplace violence by that person is likely to expose the individual to physical injury, or an actual incident of workplace violence or harassment has occurred, or an incident of workplace violence or harassment is reasonably expected to occur, CPAB shall take the following steps to ensure the safety of all individuals:

- The Talent team will advise the individuals who are at risk and coordinate a review of current procedures to minimize risk.
- Information about the source of workplace violence will be provided to the individuals who are at risk and their managers.
- Appropriate steps will be taken to protect the individuals.

CPAB's safe-work procedures have been developed to minimize individuals' exposure to the risk of workplace violence, including:

- Use of security access cards to enter workplaces.
- Individuals in the field do not generally work alone. While in practice there is a minimum of two members on inspection teams, CPAB recognizes that there may be circumstances where this may not be possible. In such cases, the inspector is encouraged to communicate any concerns regarding the working arrangement with CPAB's Vice President, Inspections.
- Reliance on the workplace violence, discrimination and harassment policies and programs of the participating audit firms inspected by CPAB's employees and inspection consultants.

- Familiarization with physical security arrangements put in place by the building manager, if applicable.
- Where possible, receptionist at CPAB's offices to call through to the individual, or their designate, all visitor requests. When possible and practical, guests are met by a CPAB staff member in the lobby and accompanied through the facility.

Special Circumstances

Should an individual have a legal court order (e.g. restraining order or no-contact order) against another person, the individual is encouraged to notify their supervisor and to supply a copy of that order to the Talent team.

This will likely be required in instances where the individual feels the aggressor may attempt to contact the individual at CPAB, in direct violation of the court order. Such information shall be kept confidential to the extent possible.

If any visitor to a CPAB workplace is seen with a weapon (or is known to possess one), makes a verbal threat or assault against an individual or another person, any individuals who are witnesses are required to immediately contact the police, emergency response services, their immediate supervisor, and the Talent team. A list of relevant contact information can be found here.

Seeking Immediate Assistance

Canada's *Criminal Code* deals with matters such as violent acts, threats and behaviors such as stalking. The police should be contacted immediately when an act of violence has occurred in the workplace or when someone in the workplace is threatened with violence. If an individual feels seriously threatened by a co-worker, volunteer, contractor, student, vendor, visitor or another person, then an immediate call to 911 is required.

The Right to Refuse Unsafe Work

Any CPAB individual can refuse to work if they have a reasonable belief that one or more of the following situations exist:

- The working conditions are unsafe and may cause an injury to the individual or those nearby.
- The workplace conditions or machinery, equipment or tools represent a violation of the *Ontario Occupational Health and Safety Act* regulations or similar applicable legislation and represent a physical danger to the health and safety of the individual or those nearby.
- The individual has a reasonable expectation that the work would place them in danger of physical violence.

Recommendation to Get Medical Help

Victims of workplace violence will be:

- Encouraged to get medical help.
- Given the opportunity to be examined by a physician.
- Provided with transportation, if required.

Counselling

Individuals and their families may have access to crisis counselling.

Benefits

An individual who experiences workplace discrimination, harassment or violence will keep their existing benefits coverage, if applicable, while under treatment or counselling, subject to the terms of the applicable benefits plan.

Reporting Incidents of Workplace Violence, Discrimination or Harassment,

In order to report an incident, of workplace violence, discrimination or harassment, or any suspected such incidents, an individual may complete and submit the Complaint Form. However, use of the Complaint Form is not required, and an individual may also verbally report the incident of workplace violence, discrimination or harassment, or any suspected such incidents, to one of the following:

- Their immediate manager or to another manager if they feel that is more appropriate or they are more comfortable doing so.
- A member of the Talent team.
- CPAB's General Counsel. Should the report name the General Counsel as Respondent, the individual should report the matter to the Talent team.
- Should the report name the Chief Executive Officer as a Respondent, the Complainant may file the report with the Talent team who shall inform the Chair of the board (Chair) or file the complaint report directly with the Chair.
- The CPAB Whistleblower Hotline.

The reporting requirements set out in this Policy and CPAB's internal complaint investigation and resolution process do not in any way prevent an individual from seeking other means of redress, that may be available.

Workplace Safety and Insurance Board

If an individual experiences workplace violence, discrimination or harassment that necessitates medical care or results in the individual not being able to work, both CPAB and the individual must file a report of injury with the applicable provincial workers compensation board.

Reviewing and Investigating Incidents of Workplace Violence, Discrimination and Harassment

Review or Investigation

Following the receipt of an individual's (now the Complainant) Complaint Form or a verbal report of an incident or suspected incident, the Talent team, in consultation with the General Counsel, shall, as soon as possible, review the facts and circumstances surrounding the incident and may, if appropriate, conduct an investigation. An investigation may include, but is not limited to:

- Appointment of an internal or external investigator to conduct the investigation.
- Requesting and reviewing further documentation of the incident from the Complainant, the Respondent and/or others.
- Conducting interviews with the Complainant, Respondent and/or witnesses.
- Obtaining witness statements.
- Documenting the interviews and witness statements.
- Examining other relevant material.

In the event of an alleged incident of workplace violence, following the receipt of an individual's Complaint Form, Whistleblower Hotline or verbal report of an incident or perceived incident, the Talent team shall, as soon as reasonably possible, evaluate the risk of future workplace violence, review the current safe-work procedures and revise or implement additional procedures to help minimize the risk of future workplace violence, as may be appropriate.

Separation of Parties

If the investigator thinks it would be in the best interests of CPAB and the parties, the Talent team may make arrangements for the Complainant and/or Respondent if they are CPAB individuals to be immediately assigned different work responsibilities for the duration of the investigation.

Cooperation

All parties must cooperate fully with any investigation under this Policy.

Opportunity to be Heard

The investigator shall provide each party with a reasonable opportunity to respond to the allegations in the complaint before completing the investigation.

Right to Representation

The Complainant and Respondent may have their counsel present to provide advice and representation at any interview or proceeding related to an investigation under this Policy.

Fraudulent or Malicious Complaints

This Policy must never be used to bring fraudulent or malicious complaints against individuals. It is important to realize that unfounded or frivolous allegations of violence, discrimination or harassment may cause both the accused person and CPAB harm. If CPAB determines any individual has knowingly made false statements regarding an allegation of violence, discrimination or harassment, disciplinary action will be taken. Disciplinary action may include immediate dismissal without further notice.

Concluding the Investigation

Upon examination of the evidence, the investigator shall make recommendations to the General Counsel or the Talent team, as may be appropriate. If the complaint is determined to have been substantiated, such recommendations may include, but are not limited to:

- A directive to cease the behavior that led to the complaint.
- External counselling for the Respondent and / or the Complainant.
- A written and / or verbal apology.
- A training program for the Respondent and / or the Complainant and/or others, as may be appropriate.
- A record of the matter in the Respondent's personnel file.
- A referral by CPAB to the appropriate authorities.
- Discipline of the Respondent including possible dismissal with cause from CPAB.

The Complainant and the Respondent, if they are CPAB individuals, will be informed in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation.

Immediate Action

Notwithstanding any other provisions in the Policy, CPAB may take immediate action following an alleged incident of workplace violence, discrimination or harassment should there be an imminent threat to the safety of an individual.

Record of Investigation

CPAB shall maintain a record of its review and/or investigation if applicable for as long as necessary to comply with applicable legal requirements.

Confidentiality

CPAB recognizes the importance of confidentiality to anyone who files a Complaint Form or makes a Whistleblower Hotline or verbal report under this Policy and will make every reasonable effort to maintain confidentiality where doing so would not interfere CPAB's legal obligations. CPAB reserves the right to disclose confidential information relating to an actual or alleged incident of workplace violence, discrimination or harassment where required by law (for example, in receipt of a subpoena or in a criminal matter).

Policy Review

As required by the *Occupational Health and Safety Act* or other applicable provincial legislation, CPAB will review this Policy annually and will post it on CPAB's intranet site accessible by employees, temporary employees, contractors and inspection consultants. The Policy shall also be made available to members of the board of directors.

Acknowledgement and Agreement

I, _____ acknowledge that I have read and understand the Workplace Anti-Violence, Discrimination and Harassment Policy of CPAB. I agree to adhere to this Policy and will ensure that individuals working under my direction adhere to this Policy. I understand that if I violate this Policy, I may face disciplinary action up to and including termination of my employment/engagement.

Name: _____

Signature: _____

Date: _____