

# **Respectful Workplace – Human Rights and Anti-harassment/Discrimination Policy**

**POLICY #PC-02-19**

**FINAL**

## **PURPOSE**

Employees have the right to a workplace free from discrimination and harassment (including sexual harassment) in accordance with the Ontario Human Rights Code and the Occupational Health and Safety Act (OHSA).

The purpose of this Policy is to establish programs and procedures to minimize and prevent workplace discrimination and harassment; to foster the safety and security of OLG's employees and other third parties in the workplace; and to ensure that all OLG's employees are aware of, and consistently comply with, the Respectful Workplace Policy, programs and procedures at all times.

## **APPLICATION AND SCOPE**

This Policy applies to all OLG employees, consultants, and contract staff. Visitors, guests and other third parties that OLG engages with are required to adhere to the rules set out in this Policy.

## **POLICY STATEMENT**

The Ontario Lottery and Gaming Corporation (OLG) is committed to ensuring an inclusive, diverse and accessible workplace that is free from discrimination and harassment and where all employees are treated with respect and dignity. Workplace harassment and discrimination will not be tolerated in the workplace.

OLG is committed to taking every reasonable step to:

- Cultivate and sustain an inclusive and supportive work culture
- Prevent workplace discrimination and harassment and promote awareness of employee responsibilities
- Identify and eliminate complaints of workplace discrimination and harassment in a timely manner

## **GUIDING PRINCIPLES**

Every employee has the right to work in a respectful workplace free of discrimination and harassment (including sexual harassment).

Discrimination or harassment may result from one incident or a series of incidents. It may be directed at specific individuals or groups.

Differences of opinion and disagreement between employees that do not engage any prohibited grounds and are professional and respectful do not constitute workplace harassment. Further, reasonable actions taken by OLG, including a manager or supervisor acting on behalf of OLG, which relate to the management and direction of employees and the workplace does not constitute workplace harassment.

## DEFINITIONS

**Discrimination:** includes, but is not limited to, differential treatment based on a prohibited ground as set out in the Ontario Human Rights Code.

These prohibited grounds are: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.

**Workplace harassment:** engaging in a course of vexatious comments or conduct against an employee in a workplace that is known, or ought reasonably to be known to be unwelcome and includes workplace sexual harassment as defined below.

**Workplace sexual harassment:** a form of workplace harassment and means

- (a) Engaging in a course of vexatious comments or conduct against an employee in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or
- (b) Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the employee and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

**Employee:** any person covered under this Policy.

**Workplace:** any place where OLG business or work-related activities are conducted during or outside normal working hours. It includes but is not limited to: the physical work premises; work-related social functions and business events; work-related travel; over the phone, via email, other electronic communications; in OLG vehicle and elsewhere if the employee is there as a result of work-related responsibilities.

## REQUIREMENTS

1. All employees must comply with this Policy and all supporting policies, procedures, and programs regarding workplace discrimination and harassment at all times.
2. All employees must act responsibly and professionally at all times and in accordance with the requirements of this Policy. This includes not using offensive or unprofessional language or engaging in conduct that results in or may result in workplace discrimination or harassment.
3. All employees who experience, witness, or otherwise become aware of workplace discrimination or harassment (including bullying or reprisal) must take appropriate steps to minimize, prevent and otherwise deal with the workplace discrimination and harassment in accordance with this Policy. **This includes reporting all incidents** of workplace discrimination and harassment in accordance with the Complaint Resolution and Investigation Procedure.
4. All employees must attend any training or information sessions provided by OLG to minimize and prevent workplace discrimination and harassment and/or otherwise review the contents of this Policy and all supporting policies, procedures, and programs regarding workplace discrimination and harassment.
5. All complaints of discrimination and harassment will be treated seriously and handled on a confidential basis in accordance with this Policy and applicable law.

6. Responses to discrimination and harassment:

- Are provided in a timely manner
- Correct identified problems
- Restore a positive and productive work environment
- Prevent future violations of this Policy
- Hold accountable those who fail to abide by this Policy

7. Policy enforcement adheres to the principles of procedural fairness and progressive discipline. Disciplinary decisions are consistent, fair and consider mitigating circumstances.

**8. Confidentiality**

- 8.1. All complaints of discrimination or harassment will be investigated in a confidential manner to the extent possible and in accordance with this Policy and applicable law.
- 8.2. During and following the resolution of alleged policy violations, all information will remain confidential, except where such information must be shared for the purposes of an investigation, discipline and/or where required by law.
- 8.3. Complainants, respondents, and witnesses are expected to cooperate fully in the investigation process. Parties to a complaint will have access to statement they have made and information they have provided.
- 8.4. Complainants and respondents will have access to sufficient information about the allegations and responses of other parties and witnesses to allow effective participation in the process.
- 8.5. There will be no reference to a complaint under this Policy in an employee's human resource file unless disciplinary action was taken against the employee.

**9. Policy Violations**

9.1. Engaging in discrimination or harassment of any kind, as defined above, is a violation of Policy. Examples of discriminatory or harassing behaviour and practices include but are not limited to the following:

- Discrimination or harassment in any aspect of employment, which may include, but is not limited to, recruitment, selection, promotion, learning and development, performance management, redeployment, layoff, pay and benefits, termination, job assignment, and granting leaves of absence
- Interfering with an individual's work performance
- Adversely affecting an individual's employment relationship
- Denying an individual dignity and respect
- Unwelcome sexual advances (verbal, written or physical)
- Requests for sexual favours
- Sexual and sexist jokes or racial, homophobic, sexist or ethnic slurs
- Unwelcome remarks, jokes, taunts, or suggestions about a person's body, a person's physical or mental disabilities, attire or any other physical or other attributes that are captured by a prohibited ground of discrimination
- Unnecessary and unwelcome physical contact such as patting, touching, pinching or hitting
- Patronizing or condescending behaviour
- Displays of degrading, offensive or derogatory material such as graffiti or pictures
- Hate activity
- Creating, contributing to, or condoning a poisoned work environment

9.2 Allegations of discrimination or harassment that are made in bad faith, including bringing forward allegations that are known to be untrue, will also be considered a violation of this

Policy and may result in corrective and/or disciplinary action up to and including the termination of employment.

#### 10. Protection from Reprisals

10.1. An employee who brings forward a complaint or participates as a witness in an investigation, in good faith and without malice, and regardless of the outcome of the investigation, will not be subject to any form of reprisal as a consequence of having taken such an action. If, however, it is found that the employee (complainant or witness) made a knowingly false complaint and/or brought forward a maliciously or in bad faith complaint, appropriate measures will be applied. **Any action that may be considered reprisal may result in corrective and/or disciplinary action up to and including termination of employment.**

#### 11. Training

11.1. All employees will be provided with a copy of this Policy and will be provided with information and instruction on the requirements and expectations under this Policy.

#### 12. Complaint Resolution and Investigations Procedure

12.1. The Complaint Resolution and Investigations Procedure guide outlines how OLG implements this Policy and includes the following information:

- Reporting and investigation procedures, including alternate reporting procedures
- Confidentiality and disclosure procedures with respect to information about an incident or complaint, including identifying information about individuals involved
- Procedures for informing a complainant and respondent of the results of an investigation and of any corrective action taken or to be taken
- Information and instruction on this Policy and Program

#### 13. Non-compliance

**As noted above, non-compliance with this Policy may result in corrective and/or disciplinary action up to and including termination of employment.**

### ROLES AND RESPONSIBILITIES

| ROLE | RESPONSIBILITIES  |
|------|---|
| OLG  | <ul style="list-style-type: none"><li>▪ Providing leadership in fostering and sustaining an inclusive, diverse, accessible and respectful workplace free from discrimination and harassment (including sexual harassment) through compliance with the Code, the OHSA and its regulations, other relevant legislation, this Policy and other policies, programs and procedures.</li><li>▪ Integrating discrimination and harassment prevention responsibilities in performance criteria for managers and employees and holding accountable managers and others responsible for implementing this Policy.</li><li>▪ Resolving complaints by conducting a confidential, fair, reliable and timely investigation that is appropriate in the circumstances in accordance with the requirements of the Policy and applicable law.</li><li>▪ Prohibit any retaliation or reprisals against any employee for bringing a complaint forward under this Policy in good faith.</li><li>▪ Providing training, with information and instruction on the Policy and supporting programs and procedures.</li></ul> |

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|-------------------|---|
| <b>Employees</b>  | <ul style="list-style-type: none"> <li>▪ Complying with obligations under the Code, the OHSA and regulations, other relevant legislation, this Policy and other policies, programs and procedures that support an inclusive, respectful workplace free from discrimination, harassment and sexual harassment.</li> <li>▪ Acting towards others in a respectful and professional manner at all times.</li> <li>▪ Intervening and/or reporting instances of inappropriate behaviour that could amount to discrimination and/or harassment.</li> <li>▪ Participating in education and awareness programs related to this Policy.</li> <li>▪ Taking action to resolve potential issues of unwelcome conduct or actions perceived to be harassing or discriminatory, where an employee is comfortable taking such action.</li> <li>▪ Refusing to accept discriminating or harassing behaviour and promptly reporting to their manager/supervisor (or an appropriate alternative, for example, People and Culture, another manager, etc.) any incident where the employee is subjected to, witnesses, or has knowledge of discrimination, harassment and sexual harassment.</li> <li>▪ Cooperating fully with any and all investigations. This includes cooperating with investigators, police or other authorities, as may be required during the course of an investigation.</li> <li>▪ Exercising rights under this Policy in good faith and not engaging in any acts of retaliation or reprisal against individuals exercising their rights under this Policy in good faith.</li> </ul> |
| <b>Management</b> | <ul style="list-style-type: none"> <li>▪ Reading and understanding this Policy.</li> <li>▪ Complying with obligations under the Code, the OHSA and regulations, other relevant legislation, this Policy and other policies, programs and procedures that support an inclusive, respectful workplace free from discrimination, harassment and sexual harassment.</li> <li>▪ Educating employees about harassment and discrimination.</li> <li>▪ Demonstrating, and as appropriate, clarifying the type of workplace behaviour expected under this Policy.</li> <li>▪ Participating in mandatory education and/or training as outlined in this Policy.</li> <li>▪ Ensuring employees receive the appropriate training.</li> <li>▪ Monitoring and maintaining awareness of potential discrimination, or harassment issues in the workplace and taking proactive steps to prevent and address these issues.</li> <li>▪ Taking appropriate action to respond to and resolve complaints within a timely manner. Where complaints cannot be resolved at the managerial level, managers are also responsible for ensuring that complaints are properly escalated to ensure an appropriate resolution.</li> <li>▪ Assist employees in filing complaints and refer employees to appropriate resources, where applicable.</li> <li>▪ Maintain confidentiality in accordance with this Policy.</li> </ul>   |

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|  | <ul style="list-style-type: none"> <li>▪ Declaring any potential conflict of interest in relation to an alleged violation of this Policy when they may be perceived to be either condoning or directly involved with an alleged violation.</li> </ul>  |
| <b>People and Culture</b>                | <ul style="list-style-type: none"> <li>▪ Providing all employees with information and instruction on the contents of this Policy and program.</li> <li>▪ Providing advice and guidance to address and resolve concerns, complaints and/or allegations.</li> <li>▪ Investigating and handling complaints or incidents of Discrimination or Workplace harassment (including sexual harassment) in a fair, respectful and timely manner.</li> <li>▪ Maintain a record of all complaints, including the date received, Division, Department and HRBP assigned as investigator. If using an external investigator, include their name/company.</li> </ul> |
| <b>Joint Health and Safety Committee</b> | <ul style="list-style-type: none"> <li>▪ Participating in the review of the Policy and related procedures as required by law.</li> <li>▪ Participating in work refusal matters that result from allegations of sexual harassment as required by law.</li> <li>▪ Providing input and recommendations to OLG Management for the improvement of the health and safety of employees.</li> </ul>  |

## RELATED POLICY INSTRUMENTS

- Complaint Resolution and Investigation Procedure

## RELATED LAW

- Occupational Health and Safety Act, R.S.O. 1990, c.0.1
- Human Rights Code, R.S.O. 1990, c. H.19

## POLICY OWNER

SVP, People and Culture

## POLICY APPROVAL

| Approver              | Date              |
|-----------------------|-------------------|
| SVP, People & Culture | March 15, 2021    |
| Board of Directors    | November 25, 2020 |

## REVISION / REVIEW HISTORY

| Revision / Review Date | Updated By                           | Summary of Revision / Review  |
|------------------------|--------------------------------------|---|
| February 2023          | People & Culture and Policy Services | <ul style="list-style-type: none"> <li>▪ Updated template</li> <li>▪ Added requirement for P&amp;C to maintain a record of all complaints received</li> <li>▪ Supersedes Respectful Workplace – Human Rights and Anti-Harassment/Discrimination Policy #CP-03-04-001</li> </ul> |