



Respectful Workplace Policy & Prevention of Workplace Violence Policy Questions and Answers March 2021

RESPECTFUL WORKPLACE – HUMAN RIGHTS AND ANTI-HARASSMENT DISCRIMINATION POLICY

1. What is the purpose of the Respectful Workplace – Human Rights and Anti-Harassment/Discrimination Policy?

Employees have the right to a workplace free from discrimination and 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 for the prevention of workplace discrimination and harassment; foster the safety and security of OLG's employees and other third parties in the workplace, and; to ensure that all OLG employees are aware of the policy, programs and procedures at all times and that the requirements set out in the policy, programs and procedures are applied consistently and fairly.

2. Who is required to adhere to this policy?

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

3. What is a Respectful Workplace?

OLG defines a “respectful workplace” as one that is inclusive, diverse and accessible, and free from discrimination and harassment. A respectful workplace is one where all employees are treated with respect and dignity at all times.

4. How do you define “micro-aggressions”, “bias” and “unconscious bias”?

The following are the generally accepted definitions for these terms, as defined by the Canadian Centre for Diversity and Inclusion (CCDI):

- **Micro-aggressions:** Brief, sometimes subtle everyday comments that either consciously or unconsciously disparage others based on their personal characteristics or perceived group membership and have an impact on workplace culture.
 - An example is when a co-worker says to a person of colour, “you are so articulate!”, this suggests the co-worker assumed the person in question would be less articulate — and are surprised to find out they aren’t.
- **Bias:** Prejudice in favour of or against one thing, person, or group compared with another, usually in a way considered to be unfair.
- **Unconscious Bias:** An implicit association or attitude about race, gender, sexual orientation or other differences that operates beyond our control and awareness, informs our perception of a person or social group and can influence our decision-making and behaviour toward the target of the bias.

5. What are examples of discriminatory or harassing behaviour?

Discrimination is when you are being treated differently based on a prohibited ground set out in the Ontario Human Rights Code and when that differential treatment is contrary to the Code. **Harassment** is a form of discrimination under the Code. 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. Harassment can also arise based on conduct that is not based on a prohibited ground of discrimination under the Code. Typically, **harassment** at work involves several incidents or a course of inappropriate conduct. Harassment can also arise based on a single egregious incident.

Examples of harassing, including sexual harassment, and discriminatory conduct include the following:

- Slurs or derogatory remarks based on a person’s race, colour, gender or other prohibited ground
- Making threats
- Spreading false information about an individual
- Inappropriate jokes
- Name calling
- Teasing
- Isolating, excluding or ignoring others
- Condescending, demeaning and other patronizing behaviour
- Unwelcome touching of a sexual nature
- Withholding employment opportunities, including assignment to a particular project or promotion, based on a prohibited ground of discrimination
- Yelling and screaming
- Using profane and other inappropriate language

6. How do we distinguish workplace discrimination or harassment from other behaviours?

Workplace discrimination or harassment **does not include reasonable action taken by management, including in the following:**

- Managing an employee’s performance

- Making and implementing management decisions
- Conflict between colleagues or disagreements, or misunderstandings between colleagues and managers that are managed professionally and respectfully
- Changes to employment, including job location, work duties, and reporting lines
- Disciplinary and corrective action
- Investigating misconduct or participating in an investigation

7. What is considered a poisoned work environment?

The Ontario Human Rights Commission describes a poisoned environment as “a form of discrimination and can arise from even a single incident. It may be created by the comments or actions of any person, regardless of his or her status. The comments or conduct do not have to be directed at a particular individual.”

8. What is the role of the Oversight Committee?

The role of the Oversight Committee is to assess and determine if an investigation will be conducted by an internal or external investigator and to take all other steps to ensure that an investigation is conducted in an appropriate manner given the particular circumstances of a matter.

Committee membership is comprised of the Senior Vice President, People and Culture; Senior Vice President, Risk and Audit; Vice President, Legal Services and Litigation, and Senior Director, HR Business Partnering.

The Committee enacts its mandate by ensuring:

- Investigations are completed in a timely manner (having regard to the scope of the complaint and nature of the investigation)
- Investigations are conducted in a thorough, fair, balanced, and impartial manner
- In the event that an external investigator is appointed, ensuring that the investigator has the appropriate independence and qualifications and where appropriate, retaining an investigator with specialization (For example, retaining an investigator who specializes in investigating racial discrimination complaints if the complaint involves race-based claims.).

9. What factors are considered in determining whether the investigation will be conducted internally or by an external investigator?

Factors taken into consideration in determining whether an external investigator is required could include the identity of the parties involved, the nature of the allegation(s), the complexity of the issues, to name a few. There may be other factors that arise in a particular case that may also be relevant to determining how an investigation will be conducted. Not all complaints will be assigned to an external investigator. If an external investigator is not required, the investigation will be conducted by the assigned Human Resources Business Partner or the appropriate internal assignment will be made.

10. What is considered a “complex” issue for referral to an external investigator?

One of several factors the Oversight Committee will consider when determining whether an external investigator will be appointed is the complexity of the allegations raised in a complaint, or other issues which may reasonably be expected to arise during the course of reviewing the complaint and which may require external expertise and assistance.

11. What disciplinary or corrective measures may be considered when there is a breach of the Policy?

Disciplinary or corrective action is action taken by OLG in response to a contravention of the OLG policy. OLG takes this responsibility seriously and disciplinary or corrective action is determined in a fair and consistent manner after thorough review and consideration. Corrective measures may include:

- education
- training
- monitoring
- reassignment
- corrective counselling
- leave without pay
- demotion
- impact on eligibility for variable pay
- disciplinary action up to and including the termination of employment

12. How can I, as an employee, contribute to a Respectful Workplace?

To support a Respectful Workplace, employees are required to:

- Act towards others in the workplace in a respectful and professional manner at all times
- Intervene and report instances of inappropriate behaviour where you believe that behaviour could amount to discrimination, harassment or bullying
- Participate in education and awareness programs related to the Respectful Workplace Policy
- Take action to resolve potential issues if appropriate
- Refuse to accept discriminating or harassing behaviour and promptly report to their manager/supervisor (or an appropriate alternative for example People & Culture, another manager etc.) any incident where the employee is subjected to, witnesses, or has knowledge of discrimination, harassment and sexual harassment
- Cooperate 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
- Exercise rights under this Policy in good faith and not engage in any acts of retaliation or reprisal against individuals exercising their rights under this Policy in good faith

In addition, managers must immediately report any incidents of workplace discrimination and harassment, including sexual harassment, which they experience or witness or are reported to them.

13. What are examples of reprisal?

A reprisal is an action or threat that is intended as retaliation for bringing a claim under the Respectful Workplace Policy or participating in any complaint brought forward under the policy. Examples of reprisal can include but are not limited to demotion, negative performance appraisals, salary reduction, a change in job role or duties, or slandering someone's reputation with false claims or intentionally isolating. It could also include more subtle acts, including negative body language.

PREVENTION OF WORKPLACE VIOLENCE POLICY

14. What is the purpose of the Prevention of Workplace Violence Policy and Procedure?

Employees have the right to a workplace free from violence.

The purpose of this policy is to establish a framework for the prevention of workplace violence, and to identify and assess all potential sources of workplace violence that may arise based on the nature of the workplace, the type of work conducted in the workplace, and the conditions of work, in order to eliminate or minimize such risks.

The purpose of the procedure is to:

- Establish a framework for the prevention of workplace violence and effectively respond to issues of workplace violence in compliance with the Occupational Health and Safety Act (OHSA).
- Provide direction on compliance with statutory requirements for health and safety regarding workplace violence in compliance with OHSA.

15. Who is required to adhere to this policy?

The policy applies at all OLG work sites and OLG work-related activities, to all OLG employees, consultants and contract staff. Visitors, guests and other third parties that OLG engages with are also required to adhere to the rules set out in the policy.

16. What is workplace violence?

Workplace Violence per the Occupational Health and Safety Act (OHSA), is defined as:

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker
- An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; or
- A statement or behaviour that it is reasonable for a worker to interpret as a threat, to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker

17. How can I, as an employee, contribute to the prevention of violence in the workplace?

To prevent violence in the workplace, employees are responsible for:

- Maintaining a safe work environment
- Acting towards others in a respectful and professional manner at all times
- Not engaging in or ignoring violent, threatening, intimidating or other disruptive behaviour
- Refusing to accept violent behaviour from others, regardless of whether the behaviour is perpetuated by a manager, co-worker, supplier, guest or customer
- Reporting promptly to their manager (or an appropriate alternative for example a Human Resources Business Partner, another manager etc.) any incident where the employee is subjected to, witnesses, or has knowledge of workplace violence, or has reason to believe that workplace violence may occur
- Co-operating as required during an investigation

18. How does OLG conduct workplace risk assessments?

The Prevention of Violence Policy and Procedure states that risk assessments are conducted as required. Risk assessments focus on the nature of the workplace, i.e., the physical environment and security measures that are in place. They are conducted by our health and safety team in collaboration with our corporate security team. A risk assessment questionnaire is used to identify specific risks that may exist within the workplace.

Any questions about these or other OLG policies may be directed to your [HR Business Partner.](#)