

OLG Internal

Complaint Resolution and Investigation Procedure

People and Culture

Introduction

OLG recognizes the importance for resolving workplace complaints, including complaints of workplace harassment and discrimination, in a fair, timely and confidential manner and of ensuring that procedures for doing so are clear and consistently applied.

Purpose

The purpose of the Complaint Resolution and Investigation Procedure is to support our Respectful Workplace Policy and provide a clear and consistent process for the receipt, filing, investigation and resolution of workplace complaints, or incidents of workplace discrimination and harassment, (including sexual harassment) in a fair, timely and confidential manner as set out in this procedure and in accordance with applicable law.

This procedure applies to all complaints under the Respectful Workplace Policy.

Definitions

Complainant: the person making the complaint

Respondent: the person against whom the complaint is made

Oversight Committee: The Committee membership is comprised of the Senior Vice President, People and Culture; Senior Vice President, Risk and Audit; Senior Vice President, Governance Legal and Compliance; Vice President, HR Partnering and Talent Development.

The Committee enacts its mandate by ensuring:

- Investigations are completed in a timely manner (having regard to the scope of the complaint and the nature of the investigation).
- Investigations are conducted in a thorough, fair, balanced and impartial manner.
- In the event that an external investigator is appointed, 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).

Requirements

Confidentiality

We recognize it is difficult to come forward. Therefore, all complaints concerning workplace discrimination or harassment, including sexual harassment, as well as the names and other identifying information of the individuals involved, will be treated as confidential to the greatest extent reasonably and practically possible, except where disclosure is necessary to investigate the complaint, to protect other workers, to take corrective action, and /or as is otherwise required by law.

This means that communication of an ongoing investigation and the results of that investigation will not be widely communicated by those involved in the investigation, including the investigators or OLG management, to other employees or third parties. While complaints are always taken seriously, it is essential that confidentiality is respected.

Filing a Complaint/Incident

Every employee has the right to make a complaint if they experience, witness, or otherwise become aware of workplace discrimination, harassment, including sexual harassment, committed by, or against, another

employee. This includes discrimination or harassment by an employee against another employee and/or against any third party and conversely, by any third party against any employee.

To support OLG's Respectful Workplace Policy, employees are strongly encouraged to report incidents of workplace discrimination and harassment, including sexual harassment, as soon as possible after experiencing, witnessing or otherwise becoming aware of that incident.

Employees may make a complaint under this procedure to their direct manager, another member of management with whom the employee feels comfortable discussing the matter, or a Human Resources Business Partner.

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

Filing a Complaint

To assist with the investigation and resolution of the matter, the report should include the following information:

- The name of the employee filing the complaint
- If an employee is making the complaint on behalf of another employee(s), the name of the complainant(s)
- Name(s) of the individual(s) who are alleged to have engaged in the conduct that forms the basis of the complaint (i.e., the respondent(s))
- Name(s) of the witness(es), if any, or other individual(s) who may have information regarding the incident and the contact information for these individual(s), if known
- Date and location of the alleged incident(s)
- Details of the incident(s) that gave rise to the complaint including date(s), frequency (if applicable) and location(s) of the incident
- Resolution sought
- The reporter may be asked to provide additional information at the time of filing the report

Workplace Complaint Resolution: Processes

Every effort will be made to resolve complaints in an efficient and timely manner having regard to the nature of the incident(s). There are various options to address complaints, including informal and formal approaches. People and Culture is responsible for assessing the complaint and determining the appropriate investigative and resolution process.

Informal approaches can advance resolution and prevent escalation when concerns are raised promptly.

An employee who believes that they have experienced workplace discrimination or harassment, is encouraged, if they feel they can safely do so, to make good faith efforts to attempt to resolve the situation known to the other person. The employee is encouraged to explain to the person who is harassing or discriminating against them that the conduct is unwelcome or offensive. If an employee feels that addressing the person responsible could lead to an escalation of the harassment or discrimination, or is not appropriate, the employee may pursue other resolution options as outlined in the Procedure.

This is not an appropriate action where an employee feels unsafe or uncomfortable or where the individual alleged to be engaging in discriminatory or harassing behaviour is the employee's direct supervisor/manager.

If there is a complaint, or management/HR otherwise becomes aware of an alleged incident of workplace discrimination or harassment, OLG will conduct an investigation that is appropriate in the circumstances. This will generally include obtaining evidence from the complainant, respondent, and any witnesses who might have evidence related to the incident.

Informal Review Process

The informal review process is a structured interaction involving the parties (including OLG) to address and resolve concerns as quickly as possible, in a fair, constructive and respectful manner. Not all complaints can be resolved in this manner.

The informal review process seeks to resolve complaints without the need for a formal investigation or assessment of the merits of the complaint (for example, by facilitating communication between the people involved).

The rules regarding Confidentiality and Protection from Reprisal apply even if an informal process is used.

The Human Resources Business Partner (HRBP) will keep records of the complaint, including any detailed notes and will be stored and held in the strictest confidence. No documentation is filed in the complainant's Human Resources file.

Where parties are unable to resolve complaints through the informal resolution process, a formal investigation may be required as outlined in the Procedure. At any time, the Human Resources Business Partner may determine, in consultation with Vice President, HR Partnering and Talent Development to suspend the informal process and commence a formal investigation.

Formal Investigation Process

The formal resolution process will apply in circumstances where the informal resolution process has not resulted in a resolution for the parties or where the matter is such that a formal investigation is required. The Vice President, HR Partnering and Talent Development will assign carriage of a complaint investigation.

Appointing an Investigator

The Oversight Committee for the Respectful Workplace Policy, program and procedures, will assess and determine if the formal investigation will be conducted by an internal or external investigator and will take all other steps to ensure that an investigation is conducted in an appropriate manner given the particular circumstance of a matter. 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.

Factors taken into consideration in determining whether an external investigator is required will include, without limitation, identify of the parties involved, the nature of the allegation, the complexity of the issues and issues regarding conflict. Not all complaints will be assigned to an external investigator.

Any investigation involving a member of OLG's Board of Directors or Executive Leadership Team (ELT) will be conducted by an external investigator.

The role of the investigator is the following:

- Ensure the investigation is kept confidential (within the requirements of the Policy and applicable law) and identifying information is not disclosed unless necessary to conduct the investigation. The Investigator will remind the parties of this confidentiality obligation at the beginning of the investigation.
- Interview the employee who allegedly experienced the workplace harassment and the respondent(s), if the respondent is an employee of OLG. Reasonable efforts will be made to interview the respondent(s) if they are not an employee of OLG or no longer an OLG employee.
- Determine and interview relevant witness(es) employed by OLG who may be identified by either the employee who allegedly experienced the workplace harassment, the alleged respondent(s)

or as necessary to conduct a thorough investigation. Reasonable efforts will be made to interview any relevant witnesses who are not employed by OLG if there are any identified.

- Request and review all relevant documents.
- Document all statements during the interviews with employee(s), respondent(s) and any witnesses.
- Seek and obtain legal advice as appropriate throughout the investigation relating to any matter.
- Prepare a report summarizing the steps taken during the investigation, the findings of fact and conclusion about whether workplace harassment or discrimination is found or not.

Resolution

Following the outcome of an investigation process, the Human Resources Business Partner and/or the manager will review options and recommend an appropriate course of action that will take into consideration all relevant factors, including the nature of the conduct.

Action(s), as reasonable in the circumstances and determined by the VP, HR Business Partnering and Talent Development, and for complex issues in consultation with the Oversight Committee and/or the Senior Vice President People and Culture, 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

Investigation Conclusion

The Human Resources Business Partner will inform the complainant and respondent (if an employee of OLG), in writing of the outcome of the investigation (summary of findings) and advise if corrective action has been taken or that will be taken as a result of the investigation. The details of any resulting corrective action being taken is not disclosed to any party to the investigation.

The results of the investigation will not be disclosed further unless such disclosure is deemed necessary or otherwise required by law.

Protection from Reprisals

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.

Record Keeping

All reports and documentation produced under this Procedure relating to a complaint will be stored and held in confidence. No documentation is filed in the complainant's Human Resources file. However, if it is determined that a complainant made a false accusation, a written record will be included in the complainant's Human Resources file to document the incident.

People and Culture will maintain a record/log of all complaints received including the date received, Division, Department and the HR Business Partner assigned as investigator. If an external investigator is assigned, the name/company of the external investigator will also be noted in the record.

Roles and Responsibilities

Role	Responsibility
Employee	<ul style="list-style-type: none"> Report incidents of workplace discrimination and harassment, including sexual harassment, as soon as possible after experiencing, witnessing or otherwise becoming aware of that incident
Manager	<ul style="list-style-type: none"> Immediately report any incidents of workplace discrimination and harassment, including sexual harassment, which they experience or witness or are reported to them Take 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. Assist employees in filing complaints and refer employees to appropriate resources, where applicable Maintain confidentiality in accordance with the Respectful Workplace Policy and the Procedure
Human Resources Business Partner	<ul style="list-style-type: none"> Provide advice and guidance to address and resolve concerns, complaints and/or allegations Investigate and handle complaints and/or incidents of Discrimination or Workplace harassment (including sexual harassment) in a fair, respectful and timely manner Inform the complainant and respondent (if an employee of OLG), in writing of the outcome of the investigation (summary of findings) and advise if corrective action has been taken or that will be taken as a result of the investigation.
Oversight Committee of the Respectful Workplace Policy	<ul style="list-style-type: none"> Assess and determine if the investigation will be conducted by an internal or external investigator Ensure all investigations are completed in a timely manner If an external investigator is appointed, ensure that the investigator has the appropriate independence and qualifications
Investigator	<ul style="list-style-type: none"> Ensure the investigation is kept confidential (within the requirements of the Policy and applicable law) Interview the employee who allegedly experienced the workplace harassment, the respondent(s), and any relevant witness(es) Request and review all relevant documents Document all statements during the interviews with employee(s), respondent(s) and any witnesses Seek and obtain legal advice as appropriate throughout the investigation relating to any matter Prepare the investigation summary report

Related Policy Instruments

- Respectful Workplace – Human Rights and Anti-Harassment/Discrimination Policy
- Disclosure of Wrongdoing Policy
- OLG Code of Business Conduct

General Information

Employees who have questions or concerns relating to the Respectful Workplace Policy and/or the Complaint Resolution and Investigation Procedure can contact a Human Resources Business Partner for:

- Confidential consultation and advice
- Information on the Policy and Procedures
- Assistance with pursuing informal measures of resolution
- Guidance through the complaint process if they wish to put a complaint forward, and
- Referral to other resources

Employees who wish to bring forward a complaint can also file a report through Integrity Matters.

Reports can be submitted to ClearView in one of the following ways:

- Internet: www.clearviewconnects.com
- Telephone: 1-866-637-4523
- Mail: ClearView, P.O. Box 11017, Toronto, ON M1E 1N0

Procedure Owner

VP HR Partnering & Talent Development
Sr Director Rewards, Wellness, HR Systems & Reporting

Procedure Approval

Approver	Date
Senior Vice President, People and Culture	March 23, 2023