



Group of Companies

POLICY

Title

Violence and Harassment Policy

SCOPE

National

APPROVING AUTHORITY

VP OF HUMAN RESOURCES

SPONSOR

Human Resources

PARENT DOCUMENT TITLE, TYPE AND NUMBER

N/A

DOCUMENT #

1200-001

ISSUE DATE

JANUARY 1, 2021

REVISION DATE

SCHEDULED REVIEW DATE

June 1, 2021

TransX Group of Companies Violence and Harassment Policy

TransX Commitment To A Safe And Respectful Work Environment

TransX Group of Companies Ltd. (the “Company” or “TransX”) is committed to providing a safe and respectful work environment for all staff and customers. Harassment and violence, including harassment and/or discrimination under the *Canadian Human Rights Act*, is considered employee misconduct and is not tolerated. This policy is one step toward ensuring that our workplace is a comfortable place for all of us.

The Company will act promptly to assess the risk of harassment and violence in the workplace, in order to prevent such occurrences from happening and effectively respond to incidents and reports. The Company will investigate, resolve and remedy, in a fair and confidential manner, allegations of harassment and violence brought to its attention, whether they are made informally or formally. As further set out in this Policy, the Company will impose appropriate corrective measures, including disciplinary action up to and including dismissal, on any employee who has acted in a manner constituting harassment or violence.

1.0 Scope

This Policy applies to all employees of the Company, including full and part-time, casual, contract, permanent and temporary employees. This policy also applies to job applicants.

This policy applies to all behaviour that is in some way connected to work, including during off-site meetings, training, on business trips, and on the road.

This policy applies to all incidents of workplace harassment and violence, including sexual harassment and sexual violence, family violence and third party violence.



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2.0 Definitions

Discrimination/harassment based on protected grounds: is defined as any action, behaviour or attitude which negatively affects or could negatively affect the employment of an employee that is based on their race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability, and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

Harassment and violence: means any action, conduct or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee. Harassment/violence that is based on grounds other than those protected grounds listed above is still considered a violation of the company's policy.

Violence can include but is not limited to the following acts or attempted acts:

- verbal threats or intimidation
- verbal abuse, including swearing or shouting offensively at a person
- contact of a sexual nature
- kicking, punching, scratching, biting, squeezing, pinching, battering, hitting or wounding a person in any way
- attack with any type of weapon
- spitting at a person

Harassment can include, but is not limited to any of the following acts or attempted acts:

- spreading rumours or gossip
- cyber bullying
- threats made over the phone, by email, or through other medium to an employee
- making offensive jokes or remarks
- playing unwanted practical jokes
- stalking or inappropriately following a person
- tampering with someone's work equipment or personal belongings
- vandalizing or hiding personal belongings or work equipment
- impeding a person's work in any deliberate way
- persistently criticizing, undermining, belittling, demeaning or ridiculing a person
- intruding on a person's privacy
- public ridicule or discipline
- unwelcomed physical contact
- sexual innuendo or insinuation
- unwanted and inappropriate invitations or requests, including of a sexual nature
- displaying offensive posters, cartoons, images or other visuals
- making aggressive, threatening or rude gestures
- misusing authority
- making a complaint in bad-faith under this policy



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Harassment is not any of the following:

- consensual workplace banter and interactions (unless it includes hurtful remarks about others, especially if they pertain to any of the prohibited grounds listed above)
- reasonable management action carried out in a fair way, such as day-to-day actions by a supervisor or manager
- discipline or dismissal (unless it is abusive or discriminatory)
- workplace disagreement, although if a conflict is poorly handled or left unresolved, it can lead to harassment

Sexual Harassment: sexual harassment means any conduct, comment, gesture or conduct of a sexual nature (a) that is likely to cause offence or humiliation to any employee; or (b) that might, on reasonable grounds be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity from training or promotion.

Designated Recipient: means the person/department that has been designated by the Company, to whom a notice of an occurrence may be submitted.

Occurrence: means an occurrence of harassment and violence in the workplace

Principal Party: means an employee who is the object of an occurrence

Responding Party: means the person who is alleged to have been responsible for the Occurrence in a notice of an occurrence provided to the designated recipient

Witness: means a person who witnessed an Occurrence of harassment and violence or is informed of an Occurrence by the principal party or responding party

3.0 Assessing Risk

The Company will conduct a risk assessment of violence and harassment in the workplace in order to implement measures to mitigate the risks of occurrence of workplace violence and harassment.

In conjunction with the policy committee, the Company will:

- i. Assess the risk of workplace violence or harassment on the basis of client characteristics, physical work environment, work activity/culture, job factors and other external factors.
 - a. *Client characteristics:* Working with clients that exhibit certain characteristics can put employees at greater risk of harassment and violence.
 - b. *Physical work environment:* the physical aspects of the workplace, such as lighting, lines of sight, depth of counters, entrances, exists, objects that could be used to hurt workers, mobile workplace, working alone, working in a mobile workplace (such as a truck).
 - c. *Work activity/culture:* the activities performed by workers, the sector of the work, and the people with whom the workers interact (such as clients and members of the public).



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- d. *Job factors*: aspects specific to a job, such as mental and physical demands of the job, can result in additional hazards that may lead to harassment and violence.
 - e. *External factors*: such as family or domestic violence etc., that could give rise to harassment and violence in the workplace.
 - ii. Take into account the circumstances of the workplace and circumstances common to similar workplaces, such as:
 - a. Layout and design of the workplace (company vehicles are considered “workplace”);
 - b. Geographical location of the workplace;
 - c. Work carried out and conditions of work, including activities or circumstances associated with a higher risk of violence;
 - d. Protective measures and procedures, including security measures, that are already in place;
 - e. Past violent incidents in the workplace; and
 - f. Activities or circumstances that may increase the risk of workplace violence, such as:
 - i. Handling cash
 - ii. Protecting or securing valuables
 - iii. Transporting people or goods
 - iv. A mobile workplace (such as a vehicle)
 - v. Public or community contact
 - vi. Working with unstable or volatile people
 - vii. Working alone or with just a few people; and
 - viii. Working late nights or very early mornings.
 - iii. Develop and implement measures and procedures to control identified risks that are likely to expose a worker to violence or harassment within 6 months of the identification of the risk.

TransX will work jointly with the policy committee on the workplace violence and harassment risk assessment(s), and provide to the committee a copy of any written assessment or reports.

Workplace violence and harassment risk assessments shall be carried out as often as is necessary, but not less than once every three years. A reassessment may be required in circumstances including:

- i. The workplace is reconfigured;
- ii. There are significant changes to the type of work carried out;
- iii. There are significant changes in the conditions of work;
- iv. There is new information on the risks of workplace violence or harassment;
- v. There is a change in the effectiveness of the preventive measures that have been developed and implemented;



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- vi. In situations where a Principal Party under this policy chooses to end the resolution process but the Occurrence is not resolved;
- vii. In situations where the Responding Party/violent individual is not an employee of the Company.

4.0 Workplace Parties' Responsibilities

Employee Responsibility:

- To treat others with respect in the workplace.
- When experiencing workplace harassment, if appropriate and safe, to ask the individual to stop as soon as offensive behaviour happens. A manager, supervisor or employee representative may be asked to assist with this.
- To report all occurrences of harassment and violence to supervisor or the designated recipient when experiencing or witnessing it.

Employees can expect:

- To be treated with respect in the workplace.
- That reported harassment will be dealt with in a timely, confidential and effective manner.
- To have their rights to a fair process and to be confidentiality respected during a harassment investigation.
- To be protected against retaliation for reporting harassment or cooperating with a harassment investigation.

Company Responsibility:

- To treat individuals at the workplace with respect.
- To develop workplace arrangements that minimize workplace violence and harassment.
- To address and resolve incidents involving employees.
- To promote a harassment and violence-free workplace.
- To ensure that all employees are aware of the policy and that the policy is posted and available.
- When applicable, to ensure the privacy and safety of all parties involved in a workplace violence or harassment incident.
- To implement and deploy emergency procedures whenever an occurrence poses immediate danger.
- To develop and review risk assessment of violence and harassment.
- To make available to all employees information related to support services.
- To develop and deliver harassment and violence prevention training, including with any policy committee (if applicable).
- To jointly develop list of qualified investigators, including with any policy committee (if applicable).
- To ensure that the designated recipient correctly follows the resolution process following the receipt of a notice of occurrence.
- Comply with all other aspects of the *Work Place Harassment and Violence Prevention Regulations* and the *Canada Labour Code* as it relates to harassment and violence.

Designated Recipient Responsibility:

- To respond to all complaints/notices of an Occurrence within 7 days of receiving the notice.
- To initiate negotiated resolution with the Principal Party within 45 days after the day on which the notice of an occurrence/complaint is received.



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- To review notice of an Occurrence with the Principal Party against the definition of harassment and violence outlined above.
- To make every reasonable effort to resolve an Occurrence for which a notice of occurrence has been provided.
- To ensure selected investigator has the necessary knowledge, training and experience required, and that they are not in a conflict of interest with respect to the Occurrence.

Policy Committee Responsibility

- To work with the Company to identify risks associated with workplace violence and harassment.
- To work with the Company to identify and implement training to preventing and dealing with workplace violence and harassment.
- To work with the Company to develop and update emergency procedures.
- To jointly develop list of investigators with the Company.

Workplace Committee Responsibility

- To implement the preventive measures developed by the policy committee and the Company at the local workplace level.
- To jointly review and update with the Company the workplace assessment:
 - in situations where the principal party chooses to end the resolution process but the occurrence is not resolved, or
 - in situations where the responding party is not an employee or the employer (for example clients, contractors, former partners).
- to refer the results of the above reviews and updates to the policy committee where appropriate.

5.0 Emergency Procedure and Contact Information

For emergencies, imminent or ongoing acts of violence, or criminal threats of violence, call 911 and/or local or building security immediately.

If you witness or experience violence at work:

- remove yourself from the situation if you can,
- inform your manager or seek help from a co-worker immediately,
- if your manager is the perpetrator, notify another manager in the line of authority,
- if your physical security or well-being is threatened, press your panic button and if possible call 911; and

Internal reports or complaints should only be made after an imminent threat has been addressed.

To make a report and summon assistance in other circumstances, including when the available information suggest an escalation of behaviour is likely to occur within a short period of time or when an act of workplace violence has been committed, threatened, or is reasonably likely to occur, an employee should contact the following:

Contact Information:

Local Police	911
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TransX Human Resources	hr@transx.com
Designated Recipient for receiving complaints under this policy	Director of HR : Lisa_Grywinski@transx.com HR Manager : michelle_ganske@transx.com

6.0 Workplace Violence and Harassment Complaint and Investigation Procedures

6.1 Complaint/Notice of Occurrence Procedure

If you have experienced or witnessed workplace violence or harassment:

- Report the incident to your manager or supervisor, or the Designated Recipient (contact info outlined above), by filling out a complaint/notice of occurrence form which includes the following:
 - the names of parties involved in the occurrence(s), if known;
 - the date of the occurrence(s); and
 - a detailed description of the occurrence(s).

*If you are not able to provide this information in written form, you may provide this information to the Designated Recipient orally. The Designated Recipient will then transcribe the information for you on the form.

6.2 Resolving Complaint/Notice of Occurrence

Within 7 days of receiving a complaint or notice of occurrence, the Designated Recipient will contact the Principal Party and advise that their complaint has been received or that they have been named or identified as the Principal Party in notice of occurrence provided by a Witness (as the case may be).

Within 45 days, the Designated Recipient will attempt to resolve the issue through a negotiated resolution or conciliation.

The Designated Recipient will ensure the complaint is resolved as soon as reasonably possible, and no later than one year from the notice of occurrence.

The Designated Recipient will provide monthly status updates to the Principal and Responding Parties on the status of the resolution process.

At any time during the resolution process, an employee may be accompanied or represented by a person of their choosing.

Negotiated resolution

A negotiated resolution is a form of informal resolution where the Principal Party meets with the designated recipient to:

- discuss the occurrence
- clarify what was submitted in the notice of occurrence, and
- attempt to reach resolution



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If the Principal Party wishes to continue with the resolution process, then the Principal Party has the option of either:

- continuing with negotiated resolution, or
- pursuing conciliation and/or an investigation

If the Principal Party wishes to continue with the negotiated resolution, the Responding Party does not have to be informed of the Principal Party's notice of occurrence or be involved in this stage of the resolution process, unless the Principal Party wants the Responding Party to be involved.

Conciliation

A Principal Party and Responding Party may engage in conciliation at any time during the resolution process. However, conciliation can only proceed if both the Principal Party and the Responding Party agree to engage in conciliation. They must also agree on the person who will facilitate the conciliation. Conciliation can only proceed if an investigator has not provided their final investigation report.

The Principal Party and Responding Party are required to inform the Designated Recipient of their desire to participate in conciliation. The Designated Recipient will then facilitate discussion around the selection of a conciliator who is agreeable to both parties. The Designated Recipient will also schedule time for both parties to meet with the conciliator.

Investigation

The Principal Party may request an investigation at any time during the resolution process. If the Principal Party wishes to proceed with an investigation, they must inform the Designated Recipient.

If an investigation is required, the Designated Recipient will follow these steps:

- provide notice of an investigation to the Principal Party and Responding Party
- select an investigator from the Company list of investigators
- ensure the investigator has no conflict of interest

The investigator will investigate the Occurrence and provide the Principal Party, Responding Party, Company, and workplace committee with a report outlining:

- a general description of the Occurrence
- their conclusion, and
- their recommendation to eliminate or minimize the risk of a similar Occurrence

The Company and the workplace committee will then meet to determine which of the recommendations in the investigator's report are to be implemented. The Company will implement those recommendations within 1 year of receiving the notice of occurrence.

Any employee that is found to violate the Company's policy on harassment or violence in the workplace will be subject to corrective measures, including disciplinary action up to and including dismissal for cause, and/or training. The level of discipline will be assessed on a case-by-case basis, subject to the Company's sole discretion, taking into account the circumstances of the harassment and the conclusions of any investigation.



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6.3 Confidentiality/Privacy

Confidentiality is needed to properly investigate a workplace violence or harassment incident and to offer proper support to those adversely affected. The identities of those involved in an Occurrence and those involved in the investigation of an Occurrence will be handled in as confidential a manner as possible. Only the Designated Recipient (and the conciliator, if applicable) will engage in the resolution process with the principal party and responding party.

All parties to a violence or harassment complaint are expected to respect the privacy and confidentiality of all other parties involved and to limit the discussion of a harassment complaint to those that need to know. TransX and all individuals involved in the harassment complaint process, will comply with all requirements of the *Personal Information Protection and Electronic Documents Act* to protect personal information. Any individual who becomes aware of an Occurrence should not disclose any information to a third party without consulting the Principal Party directly involved.

In the event the Company (or a third party) conducts an investigation, the final report shall not reveal the identity of persons involved in an Occurrence, or the resolution process for an Occurrence.

A Witness of workplace violence or harassment may provide a notice of occurrence anonymously.

A Principal Party may end the resolution process at any time by informing the Company that they choose not to continue with the process.

6.4 Non-Retaliation

TransX is committed to providing all employees with a supportive and satisfying work environment. Thus, every employee has a right to make a complaint or to enforce his or her rights under this policy, without retaliation or the fear of retaliation.

Nothing in this policy is intended to discourage or preclude employees from pursuing any of their rights by filing a grievance with their union (if applicable), or pursuing a recourse under the *Canadian Human Rights Act*, the *Criminal Code* or any other mechanism available.

7.0 Support Measures

Employees involved in an occurrence of violence or harassment may require additional support. Medical, psychological or other support services are available to employees in their geographical area through the Employee and Family Assistance Program or other group insurance benefits. Please consult your benefits booklet or contact human resources for more information.

8.0 Record Keeping and Reporting

Records of Occurrences and the reports from investigations into a workplace violence or harassment incidents will be kept by the company for ten years.

The company will prepare an annual report with respect to workplace violence and harassment and send the report to the Federal Labour Program.



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9.0 Training

The Company will develop a training program on this policy and workplace violence and harassment in general. Training may be delivered in different ways, including in-person training, one-to-one or group instruction by a manager or supervisor, e-learning, and reviewing and acknowledging Company policies. It may be provided on its own, as part of other training (such as policy, handbook or code of business training, or other Health and Safety Training), or as part of other efforts to provide information and instruction (e.g. a supervisor or manager providing a new employee with orientation).

The Company will provide training that covers the following;

- an overview of the workplace policies pertaining to workplace violence and harassment;
- methods for recognizing, minimizing and preventing occurrences of workplace violence and harassment;
- a description of the relationship between workplace violence and harassment and the prohibited grounds of discrimination set out under the *Canadian Human Rights Act*.

The following groups will also receive training on their obligations in relation to harassment and violence at least once every 3 years:

- supervisors
- managers
- Designated Recipient(s)

10.0 Policy Review

To ensure this policy remains current and up to date it will be reviewed and updated at least once every three years.