

COLUMBIA HYDRO CONSTRUCTORS LTD.
(CHC)

**WORKPLACE DISCRIMINATION
AND HARASSMENT
PROCEDURES**

Amended August 2021

CHC WORKPLACE DISCRIMINATION AND HARASSMENT PROCEDURES

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1. ROLES & RESPONSIBILITIES

(a) CHC

CHC has demonstrated their commitment to creating a work environment in which all employees are treated with respect and dignity, free from discrimination and harassment by:

- (i) having a Policy defining workplace discrimination and harassment;
- (ii) informing contractors and employees about workplace discrimination and harassment, their rights and responsibilities; and
- (iii) having effective guidelines and procedures for dealing with complaints of discrimination and harassment.

(b) Employees

Each employee is responsible for conducting herself/himself within the framework of the Policy.

(c) Contractors (as defined in the AHC/CHC Collective Agreement)

The Contractor has specific responsibilities to create and maintain a workplace that is free from discrimination and harassment. The Contractor has a duty to ensure that discrimination and harassment is not allowed, condoned or ignored and may be considered responsible for the discrimination and harassment if there is a failure to take appropriate corrective action.

Management and administrative staff, will, in some cases, be expected to participate in education programs and investigations. All parties to investigations shall be bound by section 5 of the Policy regarding confidentiality.

(d) The Discrimination and Harassment Councilor

The Discrimination and Harassment Councilor position will be the responsibility of the CHC site representative. The Discrimination and Harassment Councilor has the following responsibilities:

- (i) to review all Formal Complaints;
- (iii) to appoint a neutral, independent investigator, where required;
- (iv) to review all discrimination and harassment investigation reports;
- (v) to meet with the Complainant and the Respondent to discuss the contents of the investigation report;
- (vi) to consult with Legal Counsel to assess the investigation report;
- (vii) in accordance with section 3(ix), to decide whether there has been a breach of the Policy and make recommendation for an appropriate remedy; and
- (viii) to follow the steps outlined in section 4 (Results of Investigation) and implement or ensure implementation of actions proposed.

In any case where a complaint involves the Discrimination and Harassment Councilor as either a Complainant, a Respondent, a potential or actual witness, the Alternative Discrimination and Harassment Councilor shall assume all roles and responsibilities of the Discrimination and Harassment Councilor under these procedures.

The Discrimination and Harassment Councilor is the CHC Site Representative and Alternative Discrimination Harassment Councilor is the CHC General Manager. The current names and contact information for these individuals are provided to employees at orientation or alternatively, can be obtained from an employee's supervisor.

2. COMPLAINT PROCEDURE

Discrimination and harassment are sensitive issues in the workplace and therefore they require a process for dealing with complaints that is confidential to the fullest extent possible, (refer to section 5 of the Policy) flexible, and accessible.

Employees are reminded that there are many avenues for resolution as each situation is unique. Accordingly, this Policy is intended to be as flexible as possible. However, CHC encourages prompt reporting of all alleged violations of the Policy.

(a) Initial Contact

A person who experiences discrimination or harassment is encouraged to make it known to the person responsible for the alleged conduct that the behaviour is unwelcome, offensive and contrary to the Policy. For whatever reason, if confronting the that person is not possible, or if after confronting the person the behaviour continues, the Complainant is encouraged to seek the advice of the Discrimination and Harassment Councilor to discuss their concerns and the options for resolution.

Initially, employees may wish to discuss their concern without giving the name of the person alleged to be responsible. This anonymity will be respected until the employee chooses a resolution process that requires further identification of the alleged respondent.

(b) Informal Resolution Options

An employee who believes that she/he has been subject to discrimination or harassment may choose from the following informal resolution options:

- (i) Bring the matter to the attention of the person responsible for the conduct and ask that the conduct cease. If the conduct persists or if the employee does not feel comfortable discussing with the individual alleged to have harassed, option (ii) is available;
- (ii) An employee may decide to:
 - discuss concerns directly with the individual alleged to have harassed with the assistance of the Discrimination and Harassment Councilor to determine if the matter can be resolved informally;
 - request that the Discrimination and Harassment Councilor meet with the person alleged to be responsible to discuss the complaint and to determine whether the matter can be resolved informally;

- request that an external mediation be conducted by a professionally trained independent mediator (who shall be appointed by the Discrimination and Harassment Councilor);
- initiate a mutual resolution (see section 2 (c)); or
- decide to proceed to a formal investigation under section 2(d).

Informal resolution options should be pursued by the employee as soon as possible. If an informal complaint is made after 6 months following the alleged incident of discrimination or harassment, the Discrimination and Harassment Councilor will process the complaint, but may be hindered in the resolution process due to the length of time since the incident occurred.

(c) Mutual Resolution

At the request of the Complainant and with the agreement of the Respondent, the Discrimination and Harassment Councilor or an independent and neutral designate ("Facilitator") may assist the individuals to resolve the complaint (the "**Mutual Resolution**").

- (i) The Facilitator's role is to help the Complainant and Respondent come to an agreement. Where CHC is required to implement any part of the agreement, the Facilitator will consult with CHC, for approval, before any agreement is finalized. It is not the Facilitator's role to advocate a position or impose a decision, or to investigate a complaint.
- (ii) The Facilitator will create a record of the process undertaken and outcome of the process. CHC will keep this record on the complaint file.
- (iii) If Mutual Resolution is unsuccessful, the Complainant may elect to pursue Formal Resolution Options (see section 2(d)).

(d) Formal Resolution Options

Although the Informal Resolution Options are encouraged, Complainants are not required to pursue these informal options, and may choose to make a Formal Complaint under this Policy immediately.

Notwithstanding the provisions of the Policy, every employee continues to have the right to file a complaint with the BC Human Rights Tribunal or file a grievance under the CHC/AHC Collective Agreement, if applicable and appropriate. However, a formal investigation may not be pursued concurrently with other remedies such as a complaint to the B.C. Human Rights Tribunal or a process under any applicable collective agreement.

(e) Filing a Formal Complaint

- (i) Formal Complaints must be in writing and must contain an account of the alleged conduct, when it occurred, where it occurred, the person(s) involved, and names of any witnesses. It must also be signed and dated by the Complainant (A sample Complaint Form is attached as Appendix "A");

- (ii) Formal Complaints should be made as soon as possible and no more than 6 months of the date of the most recent incident occurring upon which the Formal Complaint is based.
- (iii) Within fourteen (14) calendar days of receipt of a completed Formal Complaint form, the Discrimination and Harassment Councilor will:
 - confirm receipt of the Formal Complaint with the Complainant;
 - notify the Respondent in writing that a Complaint has been made and also inform the Respondent that it is his or her right to be represented at any stage of the Formal Complaint.
- (iv) The Respondent will be given an opportunity to reply to the Formal Complaint (the "Response") and may seek the assistance of a representative in preparing the Response (A sample Response form is attached as Appendix "B").
- (vi) Once the Respondent has received the Formal Complaint, the Respondent shall have fourteen calendar (14) days in which to provide a Response to the Discrimination and Harassment Councilor, who in turn will provide a copy of the Response to the Complainant.

(f) Withdrawal of complaint *before* investigation

The Complainant may withdraw a Formal Complaint at any time before an investigation has commenced. The Complainant may withdraw a Formal Complaint after an investigation has been commenced with the consent of the Respondent. If the Complainant withdraws the Formal Complaint, the Complainant must provide a reason for the withdrawal of the Formal Complaint and the Discrimination and Harassment Councilor will then inform the Respondent and any others contacted with respect to the Formal Complaint that the Formal Complaint has been withdrawn. The Discrimination and Harassment Councilor has the discretion to require that an investigation be carried out.

(g) Review of withdrawal of complaint *during* investigation

If a Formal Complaint is withdrawn before an investigation is completed, the investigator shall provide the Discrimination and Harassment Councilor with a brief summary of the nature of the Formal Complaint and the reasons for withdrawal. The Discrimination and Harassment Councilor shall review such summary and shall be entitled to instruct the investigator to complete the investigation of the Formal Complaint where appropriate or as required by law.

(h) Anonymous complaints

Investigations cannot be conducted anonymously. If an incident of discrimination or harassment is reported, but does not identify the alleged victim or the alleged respondent, no specific action will be taken, but such reports will be recorded.

If an incident of discrimination or harassment is reported by an anonymous source identifying an alleged victim of discrimination or harassment, the Discrimination and Harassment Councilor shall meet with the alleged victim of discrimination and/or harassment to discuss this Policy, advise of available resolution options and document action taken. The Discrimination and Harassment Councilor will also require an investigation be carried out in the appropriate circumstances.

If an incident of discrimination or harassment is reported by an anonymous source identifying an alleged Respondent, and particulars of the alleged discrimination or harassment, the Discrimination and Harassment Councilor will consider whether an investigation should be carried out taking into account all of the appropriate circumstances.

(i) CHC/AHC initiated investigations

If the Complainant elects to pursue an Informal Resolution Option, and it results in an unsatisfactory conclusion, CHC reserves the right to have an investigation conducted.

Where an allegation of discrimination or harassment comes to the attention of CHC which may be a violation of the policy, CHC AHC reserves the right to initiate an investigation.

3. INVESTIGATION PROCEDURE

- (i) An external investigator will conduct all investigations. The investigation shall be conducted by a neutral off-site professional (the "**Investigator**") who has training and experience in the areas of conflict resolution and human rights. The Investigator shall be hired/appointed by the Discrimination and Harassment Councilor, who shall be available in an advisory role to the designated Investigator.
- (ii) The Discrimination and Harassment Councilor shall forward to the Investigator all the relevant documentation relating to the Formal Complaint. This will include, but not be limited to, the Formal Complaint and the Response.
- (iii) The investigation into the Formal Complaint will be conducted in a manner that ensures that both the Complainant and the Respondent shall each have an opportunity to be heard.
- (iv) Upon appointment, the Investigator will take all reasonable steps to fully investigate the Formal Complaint including, but not limited to, interviewing the Complainant, the Respondent, the Discrimination and Harassment Councilor and any potential witnesses to the alleged harassing conduct. In conducting the investigation, the Investigator will uphold the confidentiality provisions of the Policy.
- (v) At any time during the investigation, the Complainant and the Respondent may agree to resolve the Formal Complaint. However, the Discrimination and Harassment Councilor retains the right under section 2(e), 2(f), 2(g) and 2(i) to instruct the Investigator to complete the investigation.
- (vi) The Investigator will submit a report to the Discrimination and Harassment Councilor in a timely manner. The report shall contain:
 - all documentation and relevant evidence obtained in the course of the investigation, including information that the Discrimination and Harassment Councilor may direct;
 - a summary of relevant facts;

- a summary of the relevant legislation and applicable case law;
- an opinion as to whether the act(s) complained of constitute discrimination or harassment as defined in the Policy and/or at law; and
- recommendations for resolution.

(the "**Report**")

- (vii) After reviewing the Report, the Discrimination and Harassment Councilor shall meet with the Complainant and Respondent to discuss the contents of the Report and to provide them with a summary of the investigative findings. Each shall have an opportunity to respond to the summary of the investigative findings. This response shall be made, in writing, within ten (10) calendar days of receiving the summary of the investigative findings.
- (viii) On the basis of the Investigator's Report, the parties' responses, and all other relevant information, the Discrimination and Harassment Councilor shall:
- decide whether there has been a breach of the Policy or the law (i.e. whether discrimination or harassment has taken place); and
 - make recommendations for corrective action.

4. RESULTS OF THE INVESTIGATION

(a) If Formal Complaint is Substantiated

- (i) The Discrimination and Harassment Councilor will recommend appropriate corrective action where it is found by the Discrimination and Harassment Councilor that the Respondent has breached the Policy or the law.
- (ii) In determining appropriate corrective action, the following factors may be considered:
- the presence of aggression (psychological or physical);
 - whether the discrimination or harassment was a single or repeated act;
 - the relationship of the Complainant and the Respondent;
 - the impact of the discrimination/harassment on the Complainant and others;
 - whether the Respondent admitted responsibility and expressed willingness to change;
 - history (if any) of complaints against the Respondent and whether earlier attempts to correct the misconduct have been tried and failed;
 - whether there was retaliation against the Complainant;
- (iii) The Discrimination and Harassment Councilor will make a decision as to the required corrective action, taking into consideration the recommendations of the Investigator. Where the results of the investigation support a finding of discrimination or harassment, the following (or a combination of the following) may be recommended forms of corrective action:
- mediation between the Complainant and the Respondent;

- discipline to the Respondent with the incident documented in the Respondent's personnel file;
 - sensitivity awareness training;
 - review and modification of policy, procedures and practices;
 - the requirement to provide a verbal and/or written apology;
 - reassignment of working arrangements;
 - termination of employment;
 - mandatory counselling; and
 - strategies designed to eliminate and/or prevent discrimination or harassment (i.e. revised supervision, etc.).
- (iv) The Complainant and the Respondent will be advised of the recommended corrective action within thirty (30) days of receipt of the summary of the investigative findings from the Discrimination and Harassment Councilor.
- (v) Only where formal disciplinary action has been implemented as a result of an investigation will a notation be made in the Respondent's personnel file. This notation will indicate that the Respondent has breached the Policy, the nature of the breach and the discipline imposed.

(b) If Formal Complaint is Unsubstantiated

- (i) Where the results of the investigation do not support the Formal Complaint, a copy of the Report shall be placed on the complaint file, and the file will be closed.
- (ii) Even in the event that a Formal Complaint is unsubstantiated, there still may exist a conflict or problem that needs to be addressed. Upon reviewing the complaint file, the Discrimination and Harassment Councilor may find it appropriate, considering all the evidence, to make recommendations for corrective action.
- (iii) Where, as a result of an investigation, it is determined that an employee has made a frivolous or vexatious complaint, then formal disciplinary action may be taken against the employee.

"APPENDIX A"

COMPLAINT FORM

I, _____, (name of Complainant), working at _____ (name and address of employer) have reasonable grounds to believe that _____ (name of Respondent) has discriminated against/harassed me in the course of employment at _____ (name and address of employer) on or about the ____ day of _____, 20__ in contravention of the CHC Workplace Discrimination and Harassment Policy.

I understand that it is my right to be represented by a person of choice at any stage of this Complaint.

The particulars are as follows (attach further pages as necessary):

I have read the confidentiality provisions as set out in the Policy. I agree to abide by these provisions and understand that a breach of confidentiality contravenes the Policy and is subject to disciplinary action.

Signed at _____, B.C., this ____ day of _____, 20__.

Complainant's signature

APPENDIX "B"
RESPONSE FORM

I, _____ (name of Respondent), have read the Complaint of _____ (name of Complainant), dated the _____ day of _____, 20____, alleging that I have discriminated against/harassed him/her in contravention of the CHC Workplace Discrimination and Harassment Policy.

I understand that it is my right to be represented by a person of choice at any stage of this Complaint.

My response to the allegations is as follows (attach further pages as necessary):

I have read the confidentiality provisions as set out in the Policy. I agree to abide by these provisions and understand that a breach of confidentiality contravenes the Policy and is subject to disciplinary action.

Signed at _____, B.C., this _____ day of _____, 20____.

Respondent's signature