

TO Live

EMPLOYMENT POLICY/PROCEDURE

<u>Title</u>	<u>Effective Date</u>	<u>Policy Number</u>
Respectful Workplace Policy & Procedure	October 1, 2018	230

1. OUR COMMITMENT

TO Live is committed to creating and maintaining a culture of respect and civility. TO Live strongly believes treating others with dignity is a crucial aspect to achieving our core values of being inclusive, diverse and innovative. As such, there is no tolerance for any uncivil, harassing or discriminatory conduct.

TO Live understands and accepts our corporate responsibilities under the law. Specifically, the *Ontario Human Rights Code*, where every person has a right to equal treatment in the provision of services and facilities, occupation of accommodation, contracts and in employment. Further, under the *Occupational Health and Safety Act*, all employers are required to have a workplace harassment policy, program, information, instruction and protect workers from workplace harassment.

To ensure TO Live meets the commitments under this Policy, TO Live will:

- provide various informal and formal educational opportunities to ensure knowledge and understanding of everyone's rights and responsibilities;
- promote a culture that expects respect and civility and thus does not tolerate, ignore or condone discrimination or harassment; and
- respond quickly to incidents and complaints of incivility/harassment/discrimination with the goal of achieving meaningful resolution for all involved parties.

The benefits of a respectful workplace are innumerable, including staff feeling valued, patrons receiving excellent service experiences and maintaining strong relationships with our other stakeholders. Our priority is to ensure this Policy is a guiding document that is relied on proactively to create our culture of respect, and reactively, to maintain our culture of respect.

2. SCOPE

This Policy applies to Board of Directors and all TO Live staff members and volunteers.

Contractors, consultants, vendors, patrons and others who will work with TO Live, or interact with TO Live staff are also required to adhere to this Policy.

TO Live will take action to ensure the workplace is free from

incivility/harassment/discrimination. Where there are violations of this Policy, TO Live will consider the range of options for resolution, which can include non-punitive action such as apology, training, education, mediation, and/or where necessary, punitive action such as discipline, up-to and including termination.

Where the actions relate to non-employees (patrons, contractors, vendors etc.), resolution options can include barring the individual/entity from the facility where appropriate, limiting service or discontinuing business with contractors or consultants.

3. ONTARIO HUMAN RIGHTS CODE – SOCIAL AREA & PROHIBITED GROUNDS

The *Ontario Human Rights Code* provides protection in four social areas and across a number of different prohibited grounds. These are listed below.

a. Services and Facilities:

Every person has a right to equal treatment with respect to TO Live services and facilities, without discrimination or harassment because of one or more of the following prohibited grounds

- race	- creed	- marital status
- ancestry	- sex (including pregnancy, breast feeding)	- family status
- place of origin	- sexual orientation	- disability
- colour	- gender identity	
- ethnic origin	- gender expression	
- citizenship	- age	

b. Occupation of Accommodation:

Every person has a right to equal access with respect to the occupancy of accommodation, without discrimination because of one or more of the following prohibited grounds:

- race	- creed	- marital status
- ancestry	- sex (including pregnancy, breast feeding)	- family status
- place of origin	- sexual orientation	- disability
- colour	- gender identity	- receipt of public assistance
- ethnic origin	- gender expression	
- citizenship	- age	

c. Contracts:

Every person having legal capacity has a right to contract on equal terms without discrimination because of one or more of the following prohibited grounds:

- race	- creed	- marital status
- ancestry	- sex (including pregnancy, breast feeding)	- family status
- place of origin	- sexual orientation	- disability
- colour	- gender identity	
- ethnic origin	- gender expression	
- citizenship	- age	

TO Live contracts/agreements stipulate the requirement for those conducting business with TO Live to abide by TO Live policies, including the Respectful Workplace Policy.

d. Employment:

Every person has a right to equal treatment in employment without discrimination or harassment because of one or more of the following prohibited grounds:

- race	- creed	- marital status
- ancestry	- sex (including pregnancy, breast feeding)	- family status
- place of origin	- sexual orientation	- disability
- colour	- gender identity	
- ethnic origin	- gender expression	
- citizenship	- age	

4. ROLES AND RESPONSIBILITIES

Our commitment to a culture of respect and civility is a shared responsibility. It is expected that everyone is aware of their roles and responsibilities, seeks opportunities to become excellent ambassadors of our culture and works together to ensure issues are addressed in an appropriate manner. Under the Ontario *Human Rights Code*, management can be held personally liable for failing to take appropriate action.

a. Board of Directors

- model behaviours that are respectful when interacting with TO Live staff, patrons or TO Live affiliates;
- receive complaints made against the CEO and determine the appropriate course of action;

- provide guidance to Human Resources when complaints are made against other senior members of management (Vice President, Director);
- consult with legal representatives or others, as required, when addressing incidents involving CEO or other senior member of management;
- where a complaint against the CEO or senior management results in a third-party investigation, provide oversight to the investigation, receive the investigation reports, communicate outcomes to parties (verbal and in writing) and determine corrective actions based on investigation findings.

b. Senior Management (CEO, Vice President, Director)

- provide leadership in creating and maintaining a culture of respect and civility;
- having thorough knowledge of the policy;
- model respectful behaviour, set and enforce standards of appropriate workplace conduct;
- seek opportunities to provide staff with education (informal and formal) regarding respect, civility, harassment, discrimination;
- address incivility to help prevent escalation to incidents or complaints of harassment;
- address complaints/incidents of harassment/discrimination/reprisal involving anyone who is required to abide by this Policy;
- seek guidance and/or assistance from Human Resources when assessing complaints/incidents of incivility/harassment/discrimination/reprisal to determine course of action and ensure a consistent approach;
- follow investigation protocols as established by Human Resources;
- cooperate with investigations of complaints/incidents of incivility/harassment/discrimination/reprisal;
- where incivility/harassment or discrimination has occurred, monitor the situation after a complaint to ensure the harassment or discrimination has stopped and implement appropriate measures to prevent re-occurrence; and
- contact Human Resources if the Ministry of Labour is onsite for an inspection relating to allegations of workplace harassment;

c. Management (Managers and Supervisors)

- model respectful behaviour, set and enforce standards of appropriate workplace conduct;
- address incivility to help prevent escalation to incidents or complaints of harassment;
- seek opportunities to provide staff with education (informal and formal) regarding respect, civility, harassment, discrimination;
- address complaints/incidents of incivility/harassment/discrimination/reprisal;
- seek assistance from Human Resources and Senior Management, where necessary, when assessing complaints/incidents of incivility/harassment/discrimination/reprisal to determine course of action and ensure a consistent approach;

- follow investigation protocols as established by Human Resources;
- document details of human rights concerns, actions taken, outcomes or remedies implemented;
- cooperate with investigations of complaints/incidents of incivility/harassment/discrimination/reprisal;
- where incivility/harassment/discrimination has occurred, monitoring the situation after a complaint to ensure the harassment or discrimination has stopped and implementing appropriate measures to prevent re-occurrence;
- contact Human Resources if the Ministry of Labour is onsite for an inspection relating to allegations of workplace harassment; and
- post the current version of this Policy/Procedure in all work locations.

d. Human Resources

- model respectful behaviour, set and enforce standards of appropriate workplace conduct;
- oversee and/or create policies, procedures and related resources to help guide TO Live with preventing and responding to incivility/harassment/discrimination;
- create education and training opportunities for both management and staff and consider opportunities to promote respectful behaviour by patrons, contractors, vendors, suppliers;
- interpret and implement this policy;
- provide unbiased advice to all levels of management and staff
- be a resource for all individuals covered by this Policy who are seeking information about their rights under this Policy;
- work with management to ensure approaches to addressing incivility/harassment/discrimination are consistent with this Policy and established procedures;
- support management in addressing incivility/harassment/discrimination, including advising on who would be considered an impartial investigator (i.e. member of management or Human Resources) and on investigations/actions that would be appropriate in the circumstances;
- work with management to ensure complainants/respondents receive investigation results both verbally and in writing;
- work with management to determine, where necessary, appropriate corrective actions to address policy breaches and ensure appropriate follow through on remedial actions;
- undertake impartial, independent investigations when it is assessed Human Resources should be the lead;
- offer and provide mediations;
- retain and provide oversight to external consultants and/or investigators;
- review this policy on an annual basis in consultation with the TO Live Joint Health and Safety Committees;
- ensure current version of this Policy/Procedure is posted in all work locations; and

- prepare and provide periodic reports and statistics regarding the use of the Policy to be reviewed by the CEO, and the Board of Directors.

e. Staff

- be familiar with their rights and responsibilities under this Policy;
- engage in respectful behaviours, be accountable and adapt behaviours that are appropriate for the workplace, including civility;
- not engage in behaviour that would constitute discrimination or harassment under this Policy;
- when negatively affected by comments or conduct, be willing to professionally speak to other person(s) with the goal of addressing and resolving issues;
- where issues are known and remain unresolved (experienced or witnessed), raise concerns with any member of management or Human Resources as soon as possible;
- document details of incivility/harassment/discrimination that are experienced or witnessed;
- co-operate in interventions and investigations to resolve issues; and
- maintain confidentiality related to investigations.

f. Other Stakeholders (Patrons, Contractors, Vendors, Clients)

- treat TO Live employees, and each other, in a respectful manner and not engage in behaviour that would constitute a breach of this Policy;
- participate in any resolution options; and
- adhere to outcomes determined to rectify the situation.

5. DEFINITIONS

- Allegation:** An allegation is an unproven assertion or statement based on a person's perspective that this Policy has been violated.
- Complainant:** The person alleging that discrimination or harassment occurred. There can be more than one complainant in a human rights complaint.
- Complaint:** A complaint is a written or verbal report by a complainant alleging that they have experienced or witnessed harassment and/or discrimination based on one or more of the grounds.
- Discrimination:** Discrimination is any practice or behaviour, whether intentional or not, which has a negative impact on an individual or group protected in the *Ontario Human Rights Code* (e.g., disability, sex, race, sexual orientation, etc.) by excluding, denying benefits or imposing burdens upon them. Discrimination may arise as a result of direct differential treatment or it may result from the unequal effect of treating individuals and groups in the same way. Either way, if the effect on the individual is to withhold or limit full, equal and meaningful access to goods, services, facilities, employment, housing accommodation or contracts available to other members of society and their membership in a prohibited ground was a factor, it is discrimination.

- e) **Duty to Accommodate:** The legal obligation to take steps to eliminate disadvantage caused by systemic, attitudinal or physical barriers that unfairly exclude individuals or groups protected under the *Ontario Human Rights Code*. It also includes an obligation to meet the special needs of individuals and groups protected by the *Code* unless meeting such needs would create undue hardship. Failure to accommodate a person short of undue hardship is a form of discrimination (for service provision accommodation obligations, refer to the *Accessibility for Ontarians with Disabilities Act*).
- f) **Employee:** For the purpose of this policy, the term employee includes: TO Live employees, job applicants and individuals performing services directly on the TO Live's behalf whether with or without compensation or benefit, excluding individuals providing services by way of service provision/third party contracts.
- g) **Equal Treatment:** Equal treatment is treatment that brings about an equality of results and that may, in some instances, require different treatment. For example, to give all employees equal treatment in entering a building, it may be necessary to provide a ramp for an employee who requires the use of a wheelchair.
- h) **Gender Identity:** is each person's internal and individual experiences of gender. It is their sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person's gender may be the same as or different from their birth-assigned sex.
- i) **Gender Expression:** is how a person publicly presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person's chosen name and pronoun are also common ways of expressing gender.
- j) **Incident:** An incident is an event or occurrence in which discriminatory and/or harassing behaviour is exhibited in the workplace. An incident includes situations where an individual knows or ought to have reasonably known that the behaviour is contrary to this policy. An incident may not have to be raised to management directly by a complainant (e.g., a manager is aware of sexualized banter between workers through observation or this information is raised to the manager by a third party but no one has come forward to complain).
- k) **Incivility:** is not workplace harassment. It is subtle or overt, deviant behaviour where intent can be ambiguous. It is characterized by rude, discourteous interactions that display a lack of regard for others. Acts of incivility are considered a breach of this Policy.
- l) **Harassment:** Provisions regarding harassment are included in both the *Ontario Human Rights Code*, referred to as "Code-based Harassment", and the *Occupational Health and Safety Act*, referred to as "Workplace (non-Code) Harassment" (defined below). It is a form of discrimination if it is Code-based Harassment. Harassment may result from one incident or a series of incidents. Harassment can occur between co-workers, between management and employees, between employees and members of the Board between employees and patrons, between employees and other stakeholders.

Key: Harassment can be both intentional and unintentional.

- m) **Code-based Harassment:** defined in the *Ontario Human Rights Code* means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome based on one or more of the prohibited grounds listed in the *Ontario Human Rights Code*, that a person knows or ought to know would be unwelcome, offensive, embarrassing or hurtful. See section 3.0 for a list of the prohibited grounds.

Examples of Code-based harassment that is based on a prohibited ground include, but are not limited to:

- slurs or derogatory remarks;
- threats;
- inappropriate jokes, innuendos, name-calling, teasing, embarrassing practical jokes;
- insulting gestures;
- displaying pin-ups, pornography, racist, homophobic or other offensive materials;
- use of electronic communications such as the internet and e-mail to harass;
- actions that invade privacy;
- spreading rumours that damage one's reputation;
- refusing to work with another;
- condescending or patronizing behaviour;
- abuse of authority which undermines performance or threatens careers;
- unwelcome touching, physical assault or sexual assault (refer also to TO Live's Workplace Violence Policy).

Key: *There is no legal obligation for an individual to tell a harasser to stop. The fact that a person does not explicitly object to harassing behaviour, or appears to be going along with it does not mean that the behaviour is not harassing or that it has been consented to.*

- n) **(Non-Code) Workplace Harassment:** is harassment that is not related to a prohibited ground identified in the *Ontario Human Rights Code*. Workplace harassment, defined in the *Occupational Health and Safety Act* means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome. It includes psychological Harassment and also Workplace Sexual Harassment.

Workplace harassment often involves a course or grouping of behaviours. However a single serious incident of such behaviour that has a lasting harmful effect on an employee may also constitute workplace harassment.

Examples of workplace harassment include a pattern of:

- frequent angry shouting/yelling or blow-ups
- regular use of profanity and abusive language
- verbal or e-mail threats (not including threats to exercise physical force which are covered by the workplace violence policy)

- intimidating behaviours - slamming doors, throwing objects
- targeting individual(s) in humiliating practical jokes,
- excluding, shunning, impeding work performance
- spreading gossip, rumours, negative blogging, cyber-bullying
- retaliation, bullying, sabotaging
- unsubstantiated criticism, unreasonable demands
- frequent insults and/or name calling
- public humiliation
- communication that is demeaning, insulting, humiliating, mocking
- intent to harm
- a single, serious incident that has a lasting, harmful impact

Workplace harassment does not include:

- legitimate performance/probation management
 - appropriate exercise and delegation of managerial authority
 - operational directives/direction of workers or the workplace
 - other reasonable action(s) taken by management
 - a disagreement or misunderstanding
 - conflict between co-workers
 - work related change of location, co-workers, job assignment
 - appropriate discipline
 - less than optimal management
 - a single comment or action unless it is serious and has a lasting harmful effect
 - rudeness unless it is extreme and repetitive
 - incivility
 - conditions in the workplace that generate stress (technological change, impending layoff, a new boss, friction with other employees, workload, etc.)
- o) **Racial Harassment:** Racial harassment is harassment on the ground of race. It may also be associated with the grounds of colour, ancestry, where a person was born, a person's religious belief, ethnic background, citizenship or even a person's language. Racial harassment/discrimination can include:
- racial slurs or jokes
 - ridicule, insults or different treatment because of your racial identity
 - posting/e-mailing cartoons or pictures that degrade persons of a particular racial group
 - name-calling because of a person's race, colour, citizenship, place of origin, ancestry, ethnicity or creed
- p) **Sexual Harassment:** Sexual harassment is a form of discrimination based on the prohibited ground of sex under the *Code*. It is also prohibited under the *Occupational Health and Safety Act*. Workplace sexual harassment means engaging in a course of vexatious comment or conduct against a worker in the workplace because of sex/sexual orientation/gender identity/gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome. It

also includes 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 worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Examples of harassment related to the ground of sex, sexual orientation, gender expression and/or gender identity include but are not limited to:

- sexually suggestive or obscene remarks or gestures
- use of homophobic or transphobic epithets, slurs or jokes
- insults, comments that ridicule, humiliate or demean people because of their sex, sexual orientation, gender identity or expression.
- behaviour that polices and/or reinforces traditional heterosexual gender norms
- intrusive comments, questions or insults about a person's body, physical characteristics, gender-related medical procedures, clothing, mannerisms or other forms of gender expression.
- negative stereotypical comments about an individual's physical characteristics or mannerisms and/or behaviours that reinforce traditional heterosexual gender norms
- circulation or posting of homophobic, transphobic, sexist, derogatory or offensive signs, caricatures, graffiti, pictures, jokes or cartoons, display of pin-up calendars, objectifying images or other materials
- leering (suggestive staring) at a person's body,
- unwelcome physical contact,
- having to work in a sexualized environment (bragging about sexual prowess, or discussions about sexual activities),
- exercising power over another person, making them feel unwelcome or putting them 'in their place' – regardless of whether the behaviour is motivated by sexual interest
- spreading rumours about, "outing", or threatening to "out" someone
- refusing to refer to a person by their self-identified name and personal proper pronoun
- other threats, unwelcome touching, violence and physical assault

This policy is not intended to interfere with normal social interaction between employees.

- q) **Mediation:** A confidential dispute resolution process, during which a neutral third party assists two or more parties to resolve conflict. It is a voluntary process where parties in dispute consent to meet with a trained mediator to determine whether the dispute can be resolved in a mutually satisfactory manner. Mediation discussions between parties are treated as private and confidential to the full extent permitted by law.
- r) **Poisoned Work Environment:** A poisoned work environment is a form of indirect *Code* based harassment/discrimination. It occurs when comments or actions ridicule or demean a person or group creating real or perceived inequalities in the workplace. Pornography, pin-ups, offensive cartoons, insulting slurs or jokes, and

malicious gossip (even when they are not directed towards a specific employee or group of employees) creating intolerable work conditions, have been found to “poison the work environment” for employees.

- s) **Prohibited (Protected) Grounds:** Refers to the list of grounds for which a person or group is protected under the *Ontario Human Rights Code* and *Occupational Health and Safety Act*. Under the *Code*, case law and this policy, there are protections where there is a perception that one of the prohibited grounds applies or where someone is treated differently because of an association or relationship with a person identified by one of the above grounds.
- t) **Reasonable Person Test:** This is an objective standard to measure whether a comment or conduct is discrimination or harassment. It considers what a reasonable person's reaction would have been under similar circumstances and in a similar environment. It considers the recipient's perspective and not stereotyped notions of acceptable behaviour. This standard is used to assess human rights complaints under this policy.
- u) **Respondent:** The person who is alleged to be responsible for the discrimination or harassment. There can be more than one respondent in a human rights complaint.
- v) **Sexual orientation:** Refers to the sex/gender of those to whom one is sexually and romantically attracted. Categories of sexual orientation typically have included attraction to members of one's own sex/gender, attraction to members of another sex/gender, and attraction to people of more than one sex/gender.
- w) **Support Person:** During an investigation parties to the complaint are entitled to bring a support person of their choice (excluding external legal counsel). The role of the support person is to be present for the interviews; however, they do not participate in answering questions and cannot disrupt the process.
- x) **Witness:** An individual who may be able to provide information about workplace comments/conduct that are alleged to have violated this policy. Witnesses are not entitled to investigation results or complaint details unless the disclosure is necessary for the purpose of investigating allegations.
- y) **Workplace:** The workplace includes all locations where business or social activities of TO Live are conducted. This Policy may apply to incidents that happen away from work (e.g., inappropriate social media posts, phone calls, e-mails or visits to an employee's home, incidents at luncheons, after work socials).

6. PROCEDURES FOR RESOLVING INCIVILITY, HARASSMENT AND DISCRIMINATION

TO Live management has the legal obligation to maintain a harassment and discrimination free workplace. TO Live will address issues that are brought to our attention, and also, incidents that we become aware of. Incivility is not considered workplace harassment, however, under this Policy, TO Live has a similar responsibility to address and resolve issues of incivility.

a. Jurisdiction

This Policy can be triggered by incidents and/or complaints (both verbal and written) brought by employees, patrons, other users of facilities, those who contract directly with

TO Live, or work with TO Live in other capacities. A complaint under this Policy does not limit or interfere with an individual's ability to access other complaint avenues, including:

- application to the Human Rights Tribunal of Ontario,
- a complaint to the Ministry of Labour,
- an application to the Ontario Labour Relations Board,
- a civil suit or a criminal complaint, or
- a grievance pursuant to the terms of an applicable collective agreement.

b. Confidentiality

TO Live understands confidentiality is central to creating a safe environment for individuals to come forward with their concerns. Therefore, all persons involved with an incivility/harassment/discrimination complaint, including complainants, respondents, support persons, witnesses, management, union/association representatives and investigators are expected to treat the matter as confidential. Persons involved with an incivility/harassment/discrimination complaint may be required to sign a confidentiality agreement. Key factors regarding upholding confidentiality include:

- During an investigation, identifying information about any individual should not be disclosed unless the disclosure is necessary for the purpose of investigating, taking corrective action or is otherwise required by law.
- Parties to a complaint must not advise anyone in the workplace or otherwise connected to the workplace and/or service provision about the investigation, any involvement in the investigation and/or the contents of an investigation interview and/or report.
- Parties are not to ask individuals if they have participated in an investigation process or discuss any details about any investigation interviews.

Employees may be disciplined if confidentiality is breached by communicating with any person other than their union representative, health care practitioner or another legal authority at any time before, during or after an investigation or resolution of a harassment/discrimination complaint. Human Resources, managers and supervisors are required to keep information as confidential as possible when addressing concerns under this Policy and are also subject to discipline for breaches of confidentiality.

TO Live may need to disclose information where required by law.

Under the *Occupational Health and Safety Act (OHSA)*, complaint details, investigations, and results/reports produced under this Policy are not considered to be occupational health and safety reports that are shared with joint health and safety committees. Therefore, to protect confidentiality, these documents are not to be shared with joint health and safety committees.

a) Protection Against Reprisal

TO Live understands that a barrier to coming forward is the fear of reprisal. TO Live

strictly prohibits any retaliation, either direct or indirect, against an individual for: exercising their rights under this Policy, initiating a complaint in good faith, investigating a complaint, being a decision maker in a complaint, participating as a witness in an investigation, being a respondent to a complaint, having been associated with, or representing a complainant, witness or respondent. Appropriate discipline for a policy violation is not considered a reprisal.

b) Advice and Guidance

If an employee feels they may be experiencing incivility, harassment or discrimination, they are encouraged to consult with Human Resources and/or any member of management. These staff all have a responsibility to take action to resolve and prevent harassment and discrimination.

Employees may also consult their union or staff association.

Patrons, facility users and other non-employees, should contact management and/or Human Resources to speak about their concerns and initiate a complaint.

c) Range of Resolution Options

Several options to resolve concerns of incivility/harassment and discrimination are available to individuals protected under this Policy. Informal approaches can foster early resolution and prevent escalation; particularly when concerns are raised promptly. However, formal approaches may be required where the allegations are of a serious nature and/or involve a member of management.

Patrons or other non-employees should contact the management and/or Human Resources as soon as practicable to communicate concerns and have issues addressed and resolved.

I. Talking to the person about their conduct

Employees are empowered to consider ways to address and resolve issues that arise. Specifically,

- to professionally, and in good faith, address the conduct or comments which have negatively impacted them directly with the person(s) involved and ask them to stop;
- employees (including management) who are advised that their comments or conduct are unwanted and offensive are expected to cease such behaviour immediately;
- if the conduct does not stop, seek the assistance of management or Human Resources;
- if the conduct does not stop, keep a written record of the date, times and details of the conduct and your efforts to stop it.

There are occasions where addressing the person responsible for the conduct is not appropriate and individuals should seek the intervention of management and/or Human Resources (i.e. safety risks). In addition, the union can be consulted at any time for advice.

II. Interventions by other staff:

If an individual is unable to resolve the issue themselves or inappropriate behaviour continues after asking the person to stop, the individual should seek assistance from any level of management or Human Resources to intervene to facilitate resolution. Where disclosure takes place with a member of management, Management is expected to consult with Human Resources to determine the course of action.

Key: *The OHSA requires an investigation be conducted into all employee complaints/incidents of non-Code workplace harassment, sexual harassment, gender identity harassment, gender expression harassment and sexual orientation harassment.*

7. INVESTIGATION PROCESS

If it is determined that an investigation is required, the following procedure will be utilized by management and/or Human Resources:

- individual will be requested to put their concerns in writing (although verbal complaints will still be accepted);
- it will be determined whether the investigation should be handled by a member of management or Human Resources;
- communicate with the parties the general investigation process and their right to have a support person of their choice attend investigation meetings;
- the complainant(s) will be interviewed to obtain their full complaint;
- the respondent(s) will be interviewed to provide their version of events;
- witness(es) (if any) will be interviewed;
- documentation (if any) will be collected and reviewed;
- a determination of the facts (what likely happened) will be determined;
- an assessment of whether those facts result in a breach of this Policy;
- a written report will be prepared and shared with Human Resources (if not the investigator) and also with the CEO;
- parties will be advised of the results of the investigation both verbally and in writing;
- resolution options will be determined and implemented;
- investigation files will be properly secured and stored by Human Resources; and
- as required by the OSHA standards, investigations should be completed within 90 days.

Key: *Although, under the Policy investigations should be completed within 90 days, many can take much shorter periods of time when issues are brought forward in a timely manner and are of a less severe nature.*

TO Live may refuse to investigate where the complaint is frivolous, vexatious or an abuse of process. Further, anonymous complaints or complaints with insufficient details may not trigger an investigation under this Policy.

8. COMPLAINTS OR INCIDENTS INVOLVING SENIOR MANAGEMENT

Complaints or incidents involving a Vice President or a Director should be directed to Human Resources. Human Resources shall consult with the CEO and the Chair of the Board to determine the appropriate course of action.

Complaints involving the CEO should be directed to the Chair of the Board. The Board will review the complaint, seek legal advice (where necessary) and determine the appropriate approach.

If a complaint against the CEO or a member of senior management requires an investigation, it will be conducted by a third-party investigator. In the case of a complaint against senior management, the investigation report will be submitted to the CEO and Chair of the Board, who will communicate the findings to the parties (verbally and in writing) and determine resolution. The CEO will oversee the implementation of any redress or recommendations.

In the case of a complaint against the CEO, the investigation report will be submitted to the Chair of the Board, who will communicate the findings to the parties (verbally and in writing), determine appropriate redress, and will oversee the implementation of any redress or recommendations.

9. OUTCOMES OF POLICY BREACHES

TO Live understands that both intentional and unintentional comments and/or conduct can lead to a breach of this Policy.

Thus, the objective of any resolution is to change behaviour, eliminate harassment, discrimination or reprisal, and ensure a culture of respect. There are often opportunities for individuals to learn and grow from these experiences. Thus, resolution can be non-punitive, such as apologies, educational initiatives, coaching and counseling. Or resolution may result in disciplinary action, including transfers, demotions, suspensions or terminations. Any disciplinary action will be noted on the respondent's personnel file.

If the conduct involved non-employees (i.e. patrons/contractors/clients) remedial actions can include: restrictions on accessing TO Live premises, banning from TO Live premises, or impact to current or future business opportunities.

10. TIME LIMITS

The time limit for the filing complaints under the Respectful Workplace Policy is one year from the date of the last incident of alleged discrimination or harassment. TO Live's time limit is consistent with the time limits for filing applications with the Ontario Human Rights Tribunal.

11. REPORTING

Management will summarize all incidents/activities in a report to the Board on a quarterly basis.