

## RESPECTFUL WORKPLACE POLICY

### 1. POLICY STATEMENT

Triathlon Canada is committed to the prevention of workplace violence and harassment, and strives to maintain a work environment where all employees, participants, officials and visitors are treated with respect and dignity, and are free from harassment and bullying. Respect is present in a place where everyone displays courteous, considerate and professional behavior toward one another, and during their interactions with one another and members of the public.

Triathlon Canada does not tolerate, condone or ignore any workplace violence, bullying or harassment and will take whatever steps reasonable to protect our workers from same.

Triathlon Canada will ensure the provision of measures and procedures to protect workers from workplace violence and harassment, a means of summoning immediate assistance, and a process for workers to report incidents or raise concerns.

### 2. SCOPE

This policy applies to all employees of Triathlon Canada and all activities that occur while on Triathlon Canada premises or while engaging in Triathlon Canada business, activities, or social events.

### 3. DEFINITIONS

#### 3.1 Harassment/Discrimination:

There are several forms of harassment and discrimination but all can be defined as any unwelcome action by any person, whether verbal or physical, on a single or repeated basis, which humiliates insults or degrades. “Unwelcome”, for the purposes of this policy, refers to any action which the harasser knows or ought to reasonably know is not desired by the victim of the harassment. Specifically,

- Racial harassment is defined as any unwelcome comments, racist statements, slurs, jokes, graffiti or literature or pictures and posters which may intentionally or unintentionally offend another person,
- Sexual harassment is any unwanted attention of a sexual nature such as remarks about appearance or personal life, offensive written or visual actions like graffiti or degrading pictures, physical contact of any kind, or sexual demands.

Examples of Workplace Bullying and Harassment include, but are not limited to:

- Repeated offensive or intimidating phone calls or emails;
- Inappropriate sexual touching, advances, suggestions or requests;
- Displaying or circulating offensive pictures, photographs or materials in printed or electronic form;

- Psychological abuse such as verbal aggression or insults, calling someone derogatory names, spreading malicious rumours;
- Vandalizing personal property;
- Intimidating words or conduct (offensive jokes or innuendos); or
- Words or actions which are known or should reasonably be known to be offensive, embarrassing, humiliating or demeaning.

Excluded from this definition is any reasonable action taken by the employer or supervisor relating to the management and direction of workers or the place of employment. This includes but is not limited to measures to correct performance deficiencies, such as placing someone on a performance improvement plan, or imposing discipline for workplace infractions.

### **3.2 Workplace Violence:**

Workplace violence can be defined as a threat or an act of aggression resulting in physical or psychological damage, pain or injury to a worker, which arises during the course of work. Further to the definition of violence, is the definition of abuse. Abuse can be verbal, psychological or sexual in nature. Verbal abuse is the use of unwelcome, embarrassing, offensive, threatening or degrading comments. Psychological abuse is an act which provokes fear or diminishes a person's dignity or self-esteem and, sexual abuse is any unwelcome verbal or physical advance or sexually explicit statement.

Examples of Workplace Violence include, but are not limited to:

- Verbal threats to attack a worker;
- Sending to or leaving threatening notes or emails for a worker;
- Making threatening physical gestures to a worker;
- Wielding a weapon at work;
- Hitting, pinching or unwanted touching of a worker which is not accidental;
- Throwing an object at a worker;
- Blocking normal movement or physical interference of a worker, with or without the use of equipment;
- Sexual violence against a worker; or
- Any attempt to engage in the type of conduct outlined above.

## **4. POLICIES AND APPLICATION**

- 4.1** It is a violation of Triathlon Canada's policy to engage in conduct as set out above, Any person found to have engaged in acts of violence, bullying or harassment against any other employee, worker, contractor, subcontractor, principal, customer, supplier, client or other third party during business hours, or at any Triathlon Canada event or client event, will be subject to appropriate disciplinary action, including: warnings, reprimands, suspensions, discharge and/or termination for cause.
- 4.2** Triathlon Canada is committed to take appropriate action(s) whenever possible to eliminate or minimize the risk or threat of violence/harassment to all staff and visitors. This includes:

- Conducting risk assessments in consultation with Triathlon Canada staff in any workplace in which a risk of injury to workers from violence, bullying or harassment arising out of their employment may be present and communicating any measures and procedures that result from such assessments, and;
- Ensuring that this policy is implemented and maintained and that all workers and supervisors have the appropriate information and instruction to protect them from violence, bullying and harassment in the workplace.

**4.3** Triathlon Canada and its staff are required to follow the measures and procedures which set out how to control the risk of violence/harassment, summon for immediate assistance, report and investigate incidents and the potential consequences of same.

**4.3.1** Measures and Procedures for Summoning Immediate Assistance

- In the event of an immediate threat to physical safety to an employee or to someone else, seek a safe location and call 911 immediately. Once the call has been made, you must report to your supervisor/manager or CEO immediately thereafter. The investigation of the incident will follow as soon as is practical after the appropriate emergency measures are taken.
- Additional measures may be added on completion of the workplace risk assessment (4.2). (i.e. equipment to summon assistance such as fixed or personal alarms, locator or tracking systems, phones, cell phones, emergency numbers or email addresses, and emergency procedures such as designated safe location for emergency situations).

**4.3.2** Measures and Procedures for Reporting Incidents of Workplace Violence and Harassment The following guidelines shall be followed in the reporting and receiving of a report with respect to an incident:

- The report shall be made immediately after one becomes aware of the incident.
- Reports of workplace violence or harassment shall be made to the Chief Executive Officer (CEO). If the complaint is in relation to the actions of the CEO, the Report shall be made directly to the President. Should circumstances require, an employee may also report such conduct to any management team member with whom they are comfortable discussing the matter.
- The report should be in writing and must include the names of the individuals involved, and detail dates, times, places and witnesses, insofar as they are known to the employee. This report shall be referred to as a "Complaint".
- Any other person receiving a verbal report shall make a complete written account of the reporting of the "complaint", and have it reviewed and signed by the informant for accuracy, then forward to the CEO for assessment.
- Once a Complaint has been received, the CEO shall assess the complaint to determine whether the investigation will be conducted internally, or whether an external investigation by an independent third party is required. This decision is at the discretion of the CEO and cannot be appealed.
- The CEO shall be responsible for ensuring workplace investigation procedures are followed.

- Frivolous or vexatious complaints will be dealt with seriously and subject to disciplinary actions. However, there will be no consequences for reports made in good faith.

#### 4.3.3 Measures and Procedures to Investigate and Deal with Incidents or Complaints

Triathlon Canada will investigate and deal with all incidents and complaints of workplace violence, bullying and harassment in a fair and timely manner, respecting the privacy of all concerned as much as possible. All reported threats or incidents will be considered serious and will be investigated promptly with appropriate action taken as follows:

##### Process:

- The investigation process shall involve interviews of the complainant, the respondent and any witnesses named by either.
- The investigator(s) shall maintain notes and records of all witness interviews. Witnesses will review the investigator's notes and make corrections immediately following the interview.
- All Triathlon Canada employees are required to co-operate with the investigation process and are prohibited from discussing with each other the evidence conveyed or to be conveyed to the investigator during the investigation. Witnesses shall be interviewed individually and efforts made to ensure that witnesses do not discuss their evidence with each other in advance of being interviewed.
- During the investigation, the alleged victim shall remain, during normal working hours, in a safe place that is as near as possible to his or her ordinary place of work so as to remain available to the investigator throughout the investigation. The informant, alleged victim, or others, may be relocated during an investigation or requested to work from home if necessary.
- All complaints shall be handled in a confidential manner to the extent possible and in accordance with Triathlon Canada's legal obligations. Where Triathlon Canada believes there to be an imminent danger to an employee, it may divulge such confidential information as is reasonably necessary.
- The investigator(s) shall then compile a Report of the Investigation summarizing the allegations, steps taken in the investigation, evidence gathered and findings of the investigator.
- In the event an external investigator is hired; the same procedures shall be followed and the final Report of the Investigation will be provided to the CEO for determination.

##### Outcome/Consequences:

- Following the Investigation Report, Triathlon Canada shall make a determination about whether offending conduct occurred, and communicate this finding to the alleged offender and the alleged victim.
- Employees found to have perpetrated or threatened an act of violence or harassment in the workplace may be subject to disciplinary action and/or termination. The action will be commensurate with the severity of the offence and will be made known to the victim. Action may include any or all of the following:
  - Reprimand
  - Education/Training
  - Apology Requirements

- Transfer
  - Counseling
  - ADR
  - Suspension with pay
  - Suspension without pay
  - Termination with cause
- Similarly, deliberate false accusations are of an equally serious nature and will also result in disciplinary action up to and including termination of employment for cause.
  - The police will be notified in all instances of reported behavior which constitutes criminal activity, or which following an investigation is believed to constitute criminal activity.

#### **4.3.4 Complaints Against Third Parties**

In the case of a report of a potential threat of violence, bullying or harassment by a third party, such as in the case of domestic violence, the identity of the third party and identifying features will be communicated to all employees, contractors, subcontractors and others who may need to be aware in order to attempt to protect the worker. While individual privacy will be respected to the extent possible, communication will be required as is necessary in order to address the threat.

## **5. ROLES AND RESPONSIBILITIES**

**5.1** Supervisors/Managers are responsible for ensuring that measures and procedures are followed by staff and that staff have the information they need to protect themselves. They are expected to:

- Provide advice to employees concerned about a threat of or actual violent or harassment situation;
- Promote, advance, support and ensure effective implementation of the policy;
- Provide orientation and training on this policy to all staff;
- Intervene immediately when threats or incidence of violence or harassment occur;
- Prevent and terminate harassment, violence or threats of violence by:
  - not ignoring or condoning behaviour that is contrary to this policy,
  - taking all complaints seriously, conducting an initial assessment of the situation and reporting as required by this policy, and
- not engaging in behaviour contrary to this policy;
- Participate in an annual review of the workplace violence and harassment policy and recommend any changes to the CEO as applicable.

**5.2** Triathlon Canada Employees are expected to:

- Not engage in any behaviors that may be considered threats or acts of violence or harassment of any kind;
- Report acts of harassment, threats or actual incidents of violence immediately;
- Inform their Supervisor/Manager if they are at risk for domestic violence and assist in the development of a safety plan.

### 5.3 Duty to Report

If, in good faith, any employee believes that they, or any other employee or worker, has engaged in, or has been subject to violence, bullying or harassment under this policy, including possible domestic violence, or they witness any kind of violence, bullying or harassment under this policy, they are required to report all of the facts of the incident.

### 5.4 Right to Refuse Work Where Threat of Workplace Violence Exists

No employee should work in a situation in which he/she believes that Workplace Violence is likely to endanger him or herself. A worker has the right to refuse work where a threat to physical safety exists as a result of a Workplace Violence situation, as described under this policy. This right does not extend to the right to refuse work in the case of Workplace Harassment in which there is no threat to physical safety.

### 5.5 No Reprisals

Triathlon Canada will not in any way retaliate against an individual who makes a report of violation under this policy, nor tolerate any retaliation by any employee, worker, supervisor or executive member. Retaliation is a serious violation of this policy and must be reported immediately. Any person found to have retaliated against another individual for reporting offending conduct will be subject to serious disciplinary action, up to and including termination for cause.

## 6. CONSPICUOUS POSTING

This policy must be posted at a conspicuous place at the Triathlon Canada head office and any other Triathlon Canada owned premises where employees are working on a regular basis.

## 7. ANNUAL REVIEW

Triathlon Canada shall conduct an annual review of this policy and add to or amend it as reasonably required from time to time based upon its experience and evolution of the law under the amendments to the relevant Acts.