



## **ANTI-DISCRIMINATION & ANTI-HARASSMENT POLICY**

### **FIRM STATEMENT OF POLICY**

Skyline is committed to equal employment opportunities in its business operations and employment practices. The Company strives to comply with all Provincial Human Rights Codes and all other applicable laws prohibiting discrimination against any applicant or employee on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offenses, marital status, same-sex partnership status, family status, and mental or physical disability.

In addition, every person has the right to be free from harassment in employment because of race, ancestry, place or origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offenses, marital status, same-sex partnership status, family status, and mental or physical disability. This also includes the right to be free from unwelcome sexual conduct and comment or solicitation made by individuals in a situation to confer, grant, or deny employment advancement or benefit. Harassment means engaging in a course of annoyance, comment or conduct that is known or ought reasonably to be known to be unwelcome. Such harassment is a violation of the Code.

This policy applies to all aspects of employment, including recruitment, hiring, placement, promotion, transfer, compensation, training, education, and to the use of the company facilities.

This company takes the issues of anti-discrimination and anti-harassment seriously and expects all its employees to do so as well. Pursuant to the Code, this company may be held liable for the discriminatory actions of its managers, supervisors, or employees. This company will not tolerate discrimination or harassment engaged in by any employee of the company. Employees who contravene this policy may be subject to disciplinary measures up to and including termination of employment.

All employees are encouraged to review the Company ANTI-DISCRIMINATION & ANTI-HARASSMENT POLICY, which includes a complaint procedure. A copy of the policy is included in the Occupational Health and Manual. Additional copies can be obtained from the Human Resources Department.

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In addition, every person has the right to be free from harassment, in employment because of race, ancestry, place or origin, colour, ethnic origin, citizenship, creed sex, sexual orientation, age, record of offenses, marital status, same-sex partnership status, family status, and mental or physical disability. This also includes the right to be free from unwelcome sexual conduct and comment or solicitation made by individuals in a situation to confer, grant, or deny employment advancement or benefit. Harassment means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. Such harassment is a violation of the Code.

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This Company takes the issues of anti-discrimination and anti-harassment seriously and expects all of its employees to do so as well. Pursuant to the Code, the Company may be held liable for discrimination or harassment engaged in by any employee of the Company. Employees who contravene this policy may be subject to disciplinary measures up to and including termination of employment.

## **RACIAL HARASSMENT**

Racial harassment is prohibited by the Code and occurs when someone bothers you, threatens you or treats you unfairly because of your race, colour or ancestry. Racial harassment can also be connected to where you were born, where you lived before moving to Canada, your religious belief, your ethnic background, citizenship, or even your language.

Racial harassment may occur when someone:

- Make racial slurs or jokes;
- Ridicules or insults you because of your racial identity;
- Puts up cartoons or pictures that degrade people of a particular racial group;  
or
- Call you names because of your race, colour, citizenship, place of origin, ancestry, ethnic background, or creed.

These types of behavior are wrong even in those instances when they are not directed towards you, but at others.

The comments or conduct need not be explicitly racial in order to constitute harassment based on race. For example, consider a workplace that is culturally diverse, but only the Asian employees are repeatedly made the brunt of practical jokes or ridicule. An inference may be drawn from the particular circumstances that the treatment was racially motivated, although the practical jokes or ridicule may not have contained any reference to race.

## **SEXUAL HARASSMENT**

Sexual harassment is a form of harassment prohibited by the Code and is generally defined as a course of conduct involving unwelcome sexual advances, requests for sexual favors, other verbal or physical conduct of a sexual nature, or other forms of harassment based on sex or gender but may include a single act or serious misconduct.

- When such conduct might reasonably be expected to be unwelcome, or to cause insecurity, discomfort, offense, or humiliation to another person or group;
- When submission to such conduct is made implicitly or explicitly a condition of employment; or

- When submission to or refusal to accept such conduct is used as a basis for any employment decision (including, but not limited to, matters of promotion, salary increases, job security, and benefits affecting the employee); or
- When such conduct has the purpose or the effect of interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment does not have to be sexual. It can also mean that someone is bothering you because of your sex or gender and can happen just because of your sex or gender and can happen just because you are a man or a woman.

To help everyone understand the types of conduct which may constitute harassment, the following examples are offered:

- Leering
- Remarks, jokes, or innuendos about sex or sexual orientation where the speaker has been advised that they are offensive or where they are by their very nature offensive
- Derogatory or degrading remarks used to describe or directed toward members of one sex or sexual orientation
- Sexually suggestive or obscene comments or gestures
- The display of or the distribution by mail, fax or other electronic means of sexually explicit or otherwise offensive material
- Unwelcome advances, invitations, or propositions of a sexual nature
- Unwelcome inquiries or comments about a person's sex life
- Unwanted touching
- Verbal abuse or threats
- Sexual assault

For the purposes of this policy, sexual harassment may occur not only in the working environment but anywhere else because of employment responsibilities or employment relationships such as outside assignments, work travel, work related social events, etc. Sexual harassment need not be intended to cause offense or be specifically directed at a particular person, but it may encompass a general pattern of behavior that a person may not realize is offensive. The determination of what behavior constitutes unwelcome and offensive sexual harassment is complicated because perceptions differ, and behavior that may seem trivial or humorous to some will hurt and offend others. The law does contain an objective "reasonable person" standard, but this standard is difficult to apply. Therefore, everyone should be

sensitive to others' perceptions and should act in a manner consistent with this policy.

## **POISONED ENVIRONMENT**

Harassment, whether of a sexual nature or because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offenses, marital status, same-sex partnership status, family status, and mental or physical disability, can create a "poisoned environment" which is a form of discrimination. A poisoned environment may be created by comments or actions of any person regardless of his/her position or status. These comments or actions spoil the work environment and are therefore a violation of the right to be free from discrimination.

## **RETALIATION**

Retaliation against an individual who invokes this policy or takes part in an investigation under this policy is considered a serious incident of harassment and will be dealt with accordingly. Recourse to the following complaint procedure is open in a case of alleged retaliation.

## **ADVISOR**

The company has appointed Frank McFadden to serve as advisers under this policy.

The company has arranged for the advisers to receive appropriate training for carrying out the responsibilities under this policy.

## **COMPLAINT PROCEDURE**

The company has implemented procedures which are available to any member or employee who feels that he or she has been harassed or discriminated against by any other member or employee of the Company. These mechanisms may be used by you, in your opinion.

- You are encouraged to tell the person responsible for conduct that his or her behavior makes you uncomfortable and requests that it stops immediately. Although the Company recognizes that in some circumstances this will be very difficult or not possible, in situations it will be an effective method of eliminating the problem.
- If you cannot bring the matter directly to the attention of the person responsible, or where such an approach is attempted and does not produce a satisfactory result, you should discuss your concern with the advisers designated by the Company to deal with harassment and discrimination issues. After your discussion with the advisers, you may decide (regardless of the adviser's view) to take any of the following avenues:
  - a) You may conclude, after a discussion with the adviser, that conduct does not constitute discrimination or harassment as defined in this policy and decide not to take further action. In this case, the adviser will not take any further action under this policy.
  - b) You may conclude that there is some evidence of discrimination or harassment. In this case, you may decide that you would like to make a formal complaint to the adviser (in which case you should follow the steps outlined below).
  - c) You may decide that you do not wish to make a formal complaint.

Whether or not you decide to make a formal complaint, you may wish to have the advisers address the matter informally with the person responsible.

If you decide to use this informal step, the advisers will:

- Advise you of what was said,
- Summarize and place in a confidential file what was said; and
- Send a copy of this summary to the person whose conduct complained.

The advisers will not institute this informal procedure or a formal complaint without your agreement. No records will be kept unless you decide to proceed with this informal procedure or a formal complaint.

## **RESOLUTION OF COMPLAINTS**

Whenever a formal complaint is received, the advisers will:

- Give a copy of the complaint to the person whose conduct complained
- Ensure that the matter is investigated discreetly and in the most appropriate manner by the advisers or his or her delegate.

Where the complaint is found to be substantiated, the advisers will (a) recommend to Senior Management that appropriate disciplinary or other action be undertaken, depending on the circumstances; (b) place a sealed record of the investigative report, recommendations to senior management and the decision of senior management in the personnel file of the person whose conduct was complained; and (c) give a copy of this record to the person of whose conduct was complained.

Where the complaint is found not to be substantiated, the advisers will (a) take no further action against the person of whose conduct was complained, but (b) keep a sealed record of the proceedings and the result in the confidential file maintained by the advisers, and (c) give a copy of this record to the person of whose conduct was complained.

In all cases, the advisers will advise the compliance of the result.

Where harassing behavior puts you in danger or leads to violence, you should call the police.

## **PROCEDURE WHERE A PERSON BELIEVES THAT A COLLEAGUE HAS BEEN HARASSED OR DISCRIMINATED AGAINST**

Where a person believes that a colleague has experienced or is experiencing discrimination or harassment (or retaliation) and reports this belief to the advisers, the advisers shall meet the person who is said to have been subjected to discrimination or harassment and shall discuss the matter and explain to the person what his or her rights are.

## **DISCRIMINATION OR HARASSMENT BY PERSONS WHO ARE NOT EMPLOYEES OF THE COMPANY**

An employee of the Company who considers that he or she has been subjected to harassment or discrimination by a person who is not an employee of the Company, such as a client, broker, or supplier, should seek the advice of the advisers.

The advisers will take whatever action is necessary to ensure that the Company fulfills its responsibilities to support and assist the person subjected to such harassment or discrimination.

## **FALSE AND MALICIOUS ACCUSATIONS**

False and malicious accusations of harassment or discrimination are in violation of this policy and will be severely dealt with by the Company. False and malicious accusations of harassment or discrimination shall be treated as harassment and dealt with as an issue of harassment.

## **CONFIDENTIALITY**

The Company understands that it is difficult to come forward with a complaint of harassment or discrimination. It also recognizes a complainant's interest, as well as the interest of the person complained of, in keeping the matter confidential.

To protect the interests of the complainant, the person complained of, and others who may report incidents of harassment or discrimination, the adviser and those involved will maintain confidentiality throughout the informal or formal complaint procedure, the investigative process, and afterwards to the extent practicable and appropriate under the circumstances.

It is equally important that all other people, including the complainant, the person complained of, and anyone involved during the advisory or investigative process, maintain absolute confidentiality as well.

All records relating to any complaint, whether formal or not, will be kept confidential by the Company, unless required to be disclosed in a disciplinary process or by law.