
 <b>HUMAN RESOURCES POLICY</b> <b>HR-010</b>	<b>DEPARTMENT:</b>		<b>INQUIRIES TO:</b>		<b>TOPIC:</b>	
	All		Human Resources		Diversity and Human Rights Policy	
	<b>ISSUED:</b>		<b>REVIEW DATE:</b>		<b>APPROVED BY:</b>	
	June 2016		May 2019		 <hr/> President & CEO	

## 1.0 Policy

- 1.1 The employer, its' employees and the Union recognize the right of all persons employed with the Corporation to work in an environment free from discrimination or harassment based legal grounds and agree that any such action will not be tolerated in the workplace. Yukon Energy is committed to fostering a work environment in which all employees are treated with dignity and respect. We believe employees working in an environment free from harassment and discrimination is integral to good business.
- 1.2 The Corporation promotes an inclusive work environment that values individual differences and the diverse backgrounds and experiences of its employees and upholds the principles contained in applicable legislation. Behaviour and/or situations that run contrary to such treatment will not be tolerated.
- 1.3 This policy applies to all employees and contractors, to all premises and vehicles owned or leased by the Corporation, to all job sites where work is being performed by Yukon Energy employees or contractors, and to all corporate events.
- 1.4 This policy does not diminish the rights of employees under the Collective Agreement or the Human Rights Act.
- 1.5 Where behaviour may constitute a criminal offence, the Corporation will refer these matters to the RCMP for further investigation.
- 1.6 Employees at all levels of the organization are accountable for promoting an inclusive, safe and healthy workplace that is free of harassment and discrimination by:
- Treating all those with whom we do business with dignity and respect.
  - Complying with applicable human rights legislation, code of conduct and all related governance.
  - Reporting any harassment, discrimination, or issues that contribute to an unsafe/unhealthy work environment and cooperating to address any identified concerns.
- 1.7 In addition to their accountabilities in 1.6, supervisors at all levels are accountable for:
- Leading employees in creating an inclusive, safe and healthy workplace free of harassment and discrimination.
  - Identifying and addressing harassment, discrimination or an unsafe/unhealthy work environment and situations or issues that could lead to their development and taking appropriate action.

## 2.0 Definitions

- 2.1 Complainant is an individual who reports an alleged instance of harassment or discrimination under the conditions of this policy.
- 2.2 Discrimination is an act, behaviour, or practice that may be intentional or unintentional, that has either the purpose or effect of imposing burdens, obligations, disadvantages, or preferences, only on individuals or groups identified by a prohibited ground.
- 2.3 Harassment is defined as deliberate gestures, comments, questions, representations, or other behaviours that ought reasonably be known to be unwelcome by the recipient and which serve no legitimate work related purpose. Harassment can be a single incident or an ongoing situation. Harassment is prohibited behaviour that targets a person or group based on ancestry, including colour and race; national origin; ethnic or linguistic background or origin; religion or creed, or religious belief, religious association or religious activity; age; sex, including pregnancy, and pregnancy related conditions; sexual orientation; physical or mental disability; criminal charges or criminal record (unless relevant to employment); political belief, political association, political activity, or political convictions; marital or family status; source of income; receipt of public assistance; membership in a union; or any other criterion outlined in the Yukon Human Rights Act.

Examples of Harassment include:

- Verbal or written abuse or threats;
- Unwelcome remarks, jokes, innuendoes or taunting about a person's body, attire, age, marital status, ethnic or religious origins, etc.
- Displaying of pornographic or other offensive or derogatory pictures;
- Leering or other gestures;
- Physical assault, blackmail or threats.

Harassment does not include:

- Managing, performance improvement planning or implementation of disciplinary action that is a management requirement;
- Providing feedback or mentoring employees to improve performance;
- Social and friendly interactions between employees that are mutually agreed to by all parties and are not offensive or unwanted.

- 2.4 Sexual harassment is any sexual solicitation or other sexually-oriented remarks, conduct or contact by a person or group who knows, or ought reasonably to know, that such conduct is unwanted and
- a) is likely to cause offence or humiliation; or
  - b) might, on reasonable ground, be perceived by an employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.
- 2.5 Respondent is an individual or group against whom there has been an allegation of harassment.

### **3.0 Complaint, Investigation and Resolution**

3.1 Yukon Energy will respond quickly to complaints about inappropriate behaviour in the workplace and attempt to resolve issues as quickly as possible. All complaints of harassment will be held in the strictest confidence, subject to discussions that are required to take place during an investigation process. At any time the complainant, with reasonable rational, may request an independent investigator to assist with the process. Employees are to assist in the prevention of discrimination and harassment by reading, understanding and adhering to this policy.

#### **3.2 Informal Resolution**

Where possible, employees who believe they are being harassed should directly request the harasser to cease the offensive conduct. This request could be made with the assistance of a supervisor or any individual the complainant feels comfortable with (e.g. a union representative). Alternatively, the employee could seek the assistance of the Manager Human Resources in requesting the conduct to cease. When notified of a possible harassment situation the Human Resources representative will notify the Department Head within the department where the alleged harassment occurred. In a case where the Director is the alleged offender the President will be notified.

#### **3.3 Formal Resolution**

If the person who feels harassed has discussed the situation with the alleged harasser in an attempt to resolve the problem and the situation persist, or if he/she is not comfortable in approaching the alleged harasser, he/ she is encouraged to bring the complaint to the attention of the Manager Human Resources. A written complaint is to be prepared and submitted by the complainant. The complaint should include details of the incident(s) (e.g. what happened, where, what date and time, etc.), the person(s) involved and any witnesses to the alleged incident(s).

3.4 Once it has been determined that an investigation is warranted, the Manager Human Resources or designate, will conduct an investigation. Under certain situations an independent investigator may be contracted to conduct the investigation. If the Manager Human Resources is the alleged harasser, the President will be contacted and he/she will appoint an independent investigator. If the President is the alleged harasser, the Chair of the Board will be contacted and he/she will appoint an independent investigator. Investigations will proceed as quickly as possible maintaining strict confidentiality, subject to any discussions that are required in the course of the investigation. Interviews will be conducted with involved parties and witnesses. The complainant(s) and respondent(s) will be informed of the outcome of any investigation which has been conducted.

#### **3.5 Substantiated Claim**

Should it be determined that, based on the investigation and on the balance of probabilities, an employee has committed an act or acts constituting harassment, the entire range of disciplinary actions from verbal reprimand to dismissal may be imposed. Severity of discipline will be determined by a number of considerations such as the

nature of the incident itself, context of the situation, past behaviour of the respondent, etc. Remedial action such as retraining, changes to policies, procedure and practices, awareness programs and follow-up may also be recommended.

3.6 Unsubstantiated Claim

If it is determined that the claim is unsubstantiated the findings will be explained separately to the complainant and respondent.

3.7 False or Malicious Claims

If a claim is found to be false, frivolous or malicious the complainant may be subject to disciplinary measures ranging from verbal reprimand to dismissal.

**4.0 Conclusion**

4.1 Disagreements are a normal part of any workplace. Positive and early resolution of these conflicts is required to avoid the possibility of the situation evolving into a negative work environment. Staff may elect to utilize the conflict resolution process contained in this policy to resolve other types of issues that may occasionally arise in the workplace.

4.2 Everyone perceives facts through their own different experiences, expectations and assumptions and these differences may result in injured feelings and a negative work environment. All parties involved in an investigation need to be sensitive to the issue, be respectful and willing to participate in good faith.

4.3 Harassment is a serious word and should only be used when the situation warrants it. It is a subjective notion that must also be viewed objectively. It should not be trivialized or devalued by using it to cover petty acts or foolish words where there is no intent to be harmful.