

Purpose

The purpose of the Workplace Harassment and Discrimination Policy (this “**Policy**”) is to support a working environment at 407 International Inc. and its affiliates (collectively, “**407 ETR**”) that is safe, healthy and rewarding, and that is free of personal harassment, including implied or express forms of sexual harassment and discrimination. This Policy describes the processes that 407 ETR has put in place to safeguard Employees from Workplace Harassment, Workplace Sexual Harassment, and Discrimination (as such terms are defined below).

Scope and Responsibility

This Policy applies to the Board of Directors of 407 International Inc. (the “**Board**”; each member, a “**Director**”) and to officers, employees, and where the context so requires, contractors, consultants, suppliers, representatives and agents (collectively “**Employees**”) of 407 ETR. This Policy forms part of, and is incorporated by reference into, 407 ETR’s Code of Conduct and, as such, the Board is responsible for its approval and the overall monitoring of its effectiveness and compliance therewith.

Policy

In this Policy:

Workplace Harassment (as defined under the *Occupational Health and Safety Act*),

- means engaging in a course of vexatious comment or conduct against an Employee in a workplace that is known or ought reasonably to be known to be unwelcome;
- includes “**Workplace Sexual Harassment**”, which is defined as,
 - engaging in a course of vexatious comment or conduct against an Employee in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or
 - 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 Employee and the person knows or ought reasonably to know that the solicitation or advance is unwelcome; and
- excludes any reasonable actions taken by 407 ETR relating to the management and direction of Employees or the workplace.

Discrimination (as defined under the *Ontario Human Rights Code*),

- means the differential treatment of an individual or group that is based not on individual or group performance, but on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, disability, gender identity, or gender expression.

An implied form of Workplace Harassment or Discrimination refers to behaviour that is suggested without being clearly or directly demonstrated and/or stated; whereas an express form of Workplace Harassment or Discrimination refers to behaviour that is clearly or directly demonstrated and/or stated.

407 ETR does not tolerate any degree of Workplace Harassment or Discrimination in the workplace or at any 407 ETR work-related or social function. Any incident of Workplace Harassment or Discrimination will be dealt with in accordance with this Policy.

407 ETR maintains a program (the “**Program**”) to support this Policy which shall, among other things:

- a) include measures and procedures for Employees to report incidents of both Workplace Harassment and Discrimination to a person other than their supervisor, if the supervisor is the alleged harasser;
- b) set out how 407 ETR will investigate and deal with incidents and complaints of both Workplace Harassment and Discrimination;
- c) set out how information obtained about an incident or complaint (including identifying information) will not be disclosed, unless the disclosure is necessary for the purposes of investigating or taking corrective action, or is otherwise required by law; and
- d) set out how an Employee who has allegedly experienced Workplace Harassment and/or Discrimination and the alleged harasser (if he or she is also an Employee) will be informed in writing of the results of the investigation and of any corrective action that has been taken.

As part of this Policy, 407 ETR will provide information and instruction that is appropriate for Employees on the contents of this Policy and the Program.

Policy Guidelines

Employees should be aware that they have the right to contact the Ontario Human Rights Commission to file a complaint. However, it is encouraged that there be serious attempts made to pursue resolution amongst the parties directly involved. This Policy is intended to facilitate such resolution.

If an Employee feels they are the subject of Workplace Harassment and/or Discrimination they should make their objection clearly known to the individual and ask them to stop. The Employee should record individual incidents, including details such as time, dates, circumstances, and any potential witnesses.

Incidents of Workplace Harassment or Discrimination of Employees should be reported to an Employee’s manager, department head or to the Human Resources Department. If the Employee’s direct manager is the alleged harasser, the Employee must report the incident to the Human Resources Department. If the Workplace Harassment or Discrimination of Employees involves a Director, the incident should be reported to the President & Chief Executive Officer.

All formal complaints that have been filed will be kept strictly confidential, to the extent possible, so long as it does not hinder or frustrate the investigation, reporting, or disciplinary process.

When an Employee raises a complaint, no documentation whatsoever will be placed in that Employee’s file where the complaint is filed in good faith, whether the complaint is upheld or not.

407 ETR will investigate incidents and complaints of both Workplace Harassment and Discrimination in a manner that is appropriate in the circumstances and inform the complainant and the alleged harasser (if he or she is an Employee) in writing of the outcome of that investigation and of any corrective action that has been or will be taken.

In the case of complaints involving Employees, the Human Resources Department will complete a thorough investigation. If the allegations against an Employee are substantiated, immediate action will be taken, up to and including termination, as considered appropriate. The incident will also be recorded in that Employee’s file for a specified period of time.

In the case of complaints involving a Director, the President & Chief Executive Officer shall notify the Chair of the Board, who will ensure that a thorough investigation is conducted and, if allegations are substantiated, will take immediate disciplinary action, including dismissal of the Director from the Board.

In the case of a complaint involving the President & Chief Executive Officer, the incident shall be reported to the Vice President of Human Resources who will subsequently report it to the Chair of the Board. The Chair of the Board, will ensure that a thorough investigation is conducted and, if the allegations are substantiated, will immediately take such action as the Board considers appropriate.

Intentionally accusing someone of Workplace Harassment and/or Discrimination that is known to be false is a serious matter, and is subject to disciplinary action, up to and including suspension or termination.

Management has a responsibility to prevent both Workplace Harassment and Discrimination. Managers who fail to take appropriate corrective action when made aware of Workplace Harassment and/or Discrimination will themselves be subject to appropriate disciplinary action, up to and including suspension or termination.

This Policy will be assessed annually to ensure that it continues to contain appropriate measures and steps:

- a) for Employees to report incidents of Workplace Harassment and/or Discrimination to their supervisor or to Management; and
- b) on how 407 ETR will investigate and deal with incidents or complaints of both Workplace Harassment and Discrimination, including any prescribed elements.

Exceptions

Any exceptions will be identified and approved as per the process set out in the [Policy and Procedure Process Guide](#)

Policy Maintenance

Standard maintenance and review as per the process set out in the [Policy and Procedure Process Guide](#)

Policy Owner

Vice President, Human Resources.

Related Policies

[000 - Whistle Blowing](#)

[002 – Code of Conduct](#)

[005 - Workplace Violence Prevention](#)

Related Procedures

[005 A - Workplace Violence Prevention](#)

Related Forms

N/A

Related Scripts

Section: Human Resources **Title:** Workplace Harassment and Discrimination Policy **Number:** 001

[Bill 33 - An Act to amend the Human Rights Code with respect to gender identity and gender expression, 2012.](#)

[Bill 132, Sexual Violence and Harassment Action Plan Act](#)

[Bill 168 - An Act to amend the Occupational Health and Safety Act with respect to violence and harassment in the workplace and other matters, 2009](#)

[Ontario's Occupational Health and Safety Act](#)

Revision History

Date	Version	Modifications
November 08, 2003	1.0	Original Version of Policy on Harassment and Discrimination.
June 19, 2007	2.0	Review of Policy on Harassment and Discrimination, changed to standard Policy format and minor wording edits.
January 31, 2008	3.0	Minor editing changes to be included in amended and restated Code of Conduct dated January 31, 2008.
May 03, 2010	4.0	Changes required as a result of new legislation (<i>An Act to amend the Occupational Health and Safety Act with respect to violence and harassment in the Workplace and other matters</i>) Change to definition of types of harassment due to legislation
August 31, 2012	5.0	Changes required as a result of new legislation (<i>An Act to amend the Human Rights Code with respect to gender identity and gender expression</i>)
March 12, 2014	5.0	Annual review completed by HR, converted to new policy format. No material change to policy content.
August 21, 2015	6.0	Annual review completed by HR. Minor wording revisions, replaced "Chairman" with "Chair". No material change to policy content.
September 21, 2016	7.0	Annual review completed by HR, Legal and BPM. Wording revisions to address changes in applicable legislation based on Bill 132.
July 4, 2017	8.0	Annual review completed by HR, Legal and BPM.

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Policy Authorization

Approvers	Approval Date
Jose Tamariz President & Chief Executive Officer	September 21, 2016
Geoffrey Liang Chief Financial Officer	September 20, 2016
Wayne Anthony VP, Human Resources	September 20, 2016
Greg MacKenzie General Counsel	September 20, 2016
Randy Luyk VP, Business Process Management	August 29, 2016

Note. Completion of the SharePoint workflow by the individuals above is evidence of approval of this document. Workflow approval for this document is available in SharePoint.