

**Discrimination and Harassment Policy**

All Employees and Applicants (Canada)

Issuing Department: Human Resources

**Policy Statement**

CPR is committed to our corporate values and providing and maintaining a work environment that supports the dignity of all individuals. The Company will make every effort to ensure that no one at CPR is subjected to discrimination, harassment or sexual harassment. Such conduct is not acceptable at any level of the Company.

CPR is committed to providing on-going assistance, resources and training to all employees and supervisors as necessary in dealing with human rights issues. Employees with questions may contact Employee Relations (see appended contact information).

**Accountability**

Vice Presidents are accountable for:

- ensuring compliance with this policy;
- ensuring that any departmental activities, policies, practices, procedures, procurements and use of facilities do not result in discrimination; and
- consulting with the Employee Relations group when required.

All employees including individuals with managerial or supervisory responsibilities are accountable for:

- carrying out their responsibilities as set out in this policy.

Employee Relations is responsible for:

- ensuring the Company is in compliance with the Canadian Human Rights Act;
- providing guidance and advice to managers and supervisors on discrimination and harassment (including sexual harassment) concerns.

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## Process and Application

**Scope** This policy applies to all employees occupying and applicants for regular full-time, part-time and fixed term positions at all sites where work is undertaken for the Company in Canada.

**Definition of Discrimination** It is illegal to differentiate among employees on any of the following grounds if it results in an employee being treated negatively, unfairly or adversely:

- Race;
- National or ethnic origin;
- Color;
- Religion;
- Age;
- Sex;
- Sexual orientation;
- Marital status;
- Family status;
- Disability;
- Conviction for which a pardon has been granted.

NOTE: The word "discrimination" in this document should generally be taken to mean "discrimination and harassment, including sexual harassment."

## Definition of Harassment

Harassment is any conduct based on any of the grounds listed above that offends or humiliates and is a type of discrimination. Harassment will be considered to have taken place if a reasonable person ought to have known that the behaviour was unwelcome.

Harassment may take many forms, including:

- Threats;
- Intimidation;
- Verbal abuse;
- Unwelcome remarks;
- Innuendo;
- Derogatory or degrading remarks regarding gender or sexual orientation, or directed towards members of one sex or one sexual orientation;
- Offensive, inappropriate material;
- Hate literature;
- Offensive jokes

Harassment is unacceptable not only during working hours and on Company premises, but also in work-related settings such as conferences, business trips and social events.

## Definition of Sexual Harassment

Sexual harassment may be defined as any unsolicited and unwelcome conduct, comment, gesture or contact of a sexual nature that a) is likely to cause offence or humiliation; or b) might, on reasonable grounds, be perceived as placing a condition of a sexual nature on conditions of employment, including any opportunity for training or promotion.

An act may be considered sexual harassment irrespective of the gender or sexual orientation of the offender and the person being harassed. The offender may be someone in authority, a co-worker or a non-employee, such as a customer or supplier.

Sexual harassment can occur on or off Company property, and may include but is not limited to:

- Suggestive remarks, jokes, innuendos or taunting in a sexual context;
- Unwarranted touching;
- Leering;
- Compromising invitations;
- Displaying of pornographic or other offensive or derogatory pictures, objects, or written material of a sexual nature;
- Sexually degrading words used to describe a person or a group;
- Sexual assault.

It may also be considered sexual harassment when such unwelcome conduct has the purpose or effect of interfering with a person's work performance or creating an intimidating, hostile or offensive work environment.

#### Effects and Consequences of Discrimination, Harassment and Sexual Harassment

Discrimination can result in tension, anger, fear and frustration on the part of the victim and fellow employees, resulting in physical ailments, lowered productivity, and absenteeism.

It can also lead to the loss of employees who choose to leave their employment rather than deal with the problem. This may result in the discrimination continuing against the next person who fills the position.

Another consequence is that the Company or the supervisor, or both, could be found liable for not taking action to prevent the continuation or repetition of the discrimination.

And, very importantly, the offender could be found personally liable.

**Accommodation** The Company is legally obliged to provide individual accommodation to employees who may need it, up to a point of undue hardship. For more information regarding accommodation, please refer to Policy 1501 – Workplace Accommodation.

**Supervisors' Responsibilities** Supervisor means anyone acting in a supervisory or managerial capacity, e.g. supervisor, manager, director, etc.

Supervisors are responsible for:

- Managing the performance of all their employees in a fair and equitable manner.
- Establishing and maintaining a working environment free from discrimination for each employee, and for eliminating discrimination if it occurs in their department, or elsewhere within the Company. This is a continuing responsibility regardless of whether the supervisor has received a formal complaint.
- Ensuring accommodation of employees up to a point of undue hardship.
- Making every effort to ensure that no pictures, objects, written material or electronic material such as e-mail messages or electronic files of a sexual or offensive nature are displayed or stored on Company property, including shops, offices, lunchrooms, Company equipment or machinery, locomotive cabs, washrooms, lockers, desks, and the Company's computer systems including the employee's electronic workspace.
- Posting a copy of this policy in the department as required by law.
- Ensuring appropriate handling of complaints as quickly as possible and in a sensitive, impartial,

professional and confidential manner. (Please refer to the Complaint/Dispute Resolution Procedures later in this policy.)

- Ensuring that no form of retaliation occurs against any person for participating in an investigation under this policy, or for associating with a person who had made a complaint.
- Communicating and reinforcing the Company policy and procedures on discrimination to current and new employees.

If a supervisor who is the recipient of a complaint does not have the responsibility for the alleged offender, that supervisor will refer the issue to, and follow up with the accountable supervisor. Before doing so, every attempt should be made to obtain the employee's concurrence.

Employee Relations should be contacted if the responsible supervisor requires assistance, coaching or support to deal with a complaint. This is important given that a complaint may at any time be filed with the Canadian Human Rights Commission.

#### Employees' Rights and Responsibilities

Employees are responsible for ensuring their actions do not constitute discrimination and harassment in the workplace.

- Employees are responsible for requesting any required accommodation.
- Employees who would like help in understanding their options, proceeding with their complaint, or just having someone to talk with about the situation, are encouraged to contact, in confidence, their supervisor, union representative, Employee Relations representative, or any other designated local contact person.

- Employees who have been subjected to discrimination have both the right and the responsibility to report their concerns and seek resolutions. (Please refer to the Complaint/Dispute Resolution Procedure later in this policy.)
- Employees who witness discrimination are encouraged to report their observations to their supervisors.
- Employees who have been accused of discrimination may wish to discuss the matter with their supervisor, their union representative, or Employee Relations. They should co-operate fully with the Company officer conducting the investigation to make certain the facts are determined accurately.
- Any party to a complaint who is dissatisfied with the result of the internal investigation of that complaint may appeal for review to higher levels within the Company or to Employee Relations.
- At any point in the internal Company investigation process employees have the right to file a complaint with the Canadian Human Rights Commission.
- Making a false or fabricated complaint of discrimination will be treated very seriously. Any employee who makes such a complaint will be subject to discipline, up to and including dismissal.
- Employees are responsible for NOT displaying, communicating nor storing any pictures, objects, written material or electronic material such as e-mail messages or electronic files of a sexual or offensive nature on Company property, including shops, offices, lunchrooms, Company equipment or machinery, locomotive cabs, washrooms, lockers, and desks, etc,

or using the Company's computer systems including the employee's electronic workspace.

## Administration

### Complaint/Dispute Resolution Procedure

Complaints may be resolved through investigation or, where appropriate, through an alternate dispute resolution mechanism with the supervisor, union human rights representative or other resource person of the employee's choice.

- An employee who believes that he or she has been subjected to discrimination is encouraged to ask the alleged offender to stop the offensive action. This may be stated in the presence of a witness, or by letter. Should an employee require assistance, they may call upon their supervisor or Employee Relations.
- Employees who believe they have been subjected to discrimination have the option of raising their concerns with any level of management, or Employee Relations.
- Resolution of complaints as quickly as possible and at the lowest possible level of the organization is preferred and therefore the complainant should consider lodging complaints with local management accountable for the alleged offender. However, if the complainant prefers to have the complaint dealt with at a higher level of management, or by Employee Relations, they may lodge the complaint directly with any of these groups.
- When lodging a complaint at any level, employees may select a fellow employee of their choice to accompany them to any meeting called to discuss the complaint. Unionized employees have the option of having a union representative present.

- When lodging a complaint, employees should be prepared to provide the person dealing with the complaint with as much detailed information as possible on the behavior in question, including the names of any witnesses. It is recommended that employees keep records of each incident, including where and when it occurred and what was said and done.
- Where a complaint is being investigated, the person conducting the investigation will interview the complainant, the alleged offender and any witnesses, review pertinent files and documentation, and conduct a complete investigation to establish the facts.
- If any of the employees involved in the complaint are covered by a collective agreement, the investigation procedures of that agreement must be followed as closely as possible, given the circumstances.
- The investigation will be approached in an unbiased manner and must provide both sides with a fair hearing.
- The investigation will be completed as quickly as possible and the results communicated to the parties concerned. The investigation results and notification to the parties must be recorded on file.
- Should the allegation not be proved, the complaint will be dismissed.
- Any party to a complaint who is dissatisfied with the result of the investigation of that complaint may appeal for review to higher levels within the Company or to Employee Relations.

**Confidentiality of the Complaint/Dispute Resolution Procedure** Under no circumstances may the name of a complainant or the details of a complaint be disclosed to any person except when necessary for the handling of the complaint, or for taking corrective measures. Discipline may result from any such disclosure. All records of the complaint handling will be kept in a locked cabinet, separate from employee personnel files.

The Company will comply with all aspects of the Personal Information Protection and Electronic Documents Act (PIPED). For more information, please refer to Policy 1804 – Privacy of Information.

**Determination of Discipline** Each complaint will be examined individually and a decision made as to whether any discipline is warranted and, if so, the extent of such discipline based on the circumstances of the complaint. Discipline could range from a warning to dismissal, depending on the severity of the incident. It will be applied irrespective of the level of the position held by the offender.

- Disciplinary action should be taken only after all the information has been properly presented, recorded and examined, and the complaint proved.
- When determining discipline, factors such as the nature of the behavior, the persistence of the behavior, and the attitude of the offender should be taken into consideration.
- Discipline may not be the appropriate response in all cases. Depending on the circumstances, other types of intervention may be more appropriate, for example counselling, or education.
- Any form of retaliation against a complainant or any person for participating in an investigation under this

policy, or for associating with a person who has made a complaint, will not be tolerated and will be subject to discipline, up to and including dismissal.

**Remedies to the Victim**

Some examples of remedies for victims of discrimination are:

- A written or spoken apology from the offender;
- Restoration to their proper employment position if they have suffered a loss, such as demotion or denial of promotion;
- Compensation for any loss, such as retroactive pay.

**Additional Information**

For any information regarding this policy, please contact Employee Relations at (403) 319-6447.

R.A. Shields  
Vice-President  
Human Resources and Industrial Relations

Cross Reference: Policy 1500 - Employment Equity Policy  
Policy 1501 - Workplace Accommodation Policy  
Policy 1802 - Internet and E-mail  
Policy 1804 - Privacy of Information Policy  
Policy 2209 - External Recruitment  
Policy 2208 - Internal Staffing  
Policy 2206 - Security Clearance Checks - External Recruitment  
Policy 2211 - Temporary Employment