



## CAPITAL POWER CORPORATION

# RESPECTFUL WORKPLACE POLICY: WORKPLACE DISCRIMINATION, ANTI- HARASSMENT & VIOLENCE

CAPITAL POWER RESPECTFUL WORKPLACE POLICY		
Approved by:		Date: 14-Sep-18
Leigh Mulholland, Chief Compliance Officer		
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01	Board Approved	29-Oct-10
02	Revised	20-Dec-11
03	Revised	14-Sep-18

## **I. Policy Statement – Workplace Discrimination, Anti-Harassment & Violence**

Capital Power’s Employees and Agents participate in a high performance, dynamic work environment, where people are respectable and accountable. Capital Power is committed to providing a safe, healthy and supportive workplace for our Employees and Agents, where individuals are treated with respect, fairness and sensitivity. Employees and Agents must therefore treat each other with dignity and foster an atmosphere of open communication, trust and mutual respect, in keeping with the following:

- a) promoting and maintaining a common understanding of the expectations and behaviours considered appropriate in Capital Power’s workplaces;
- b) taking action to prevent and/or address incidents of inappropriate behaviour, discrimination, and harassment wherever Capital Power business is conducted; and
- c) taking action to prevent and/or address incidents of violence wherever Capital Power business is conducted.

## **II. Scope & Policy Elements**

This *Respectful Workplace Policy: Workplace Discrimination, Anti-Harassment and Violence* (the “Policy”) describes general respectful workplace responsibilities and expectations, including those related to providing a workplace free of Discrimination, Harassment, Sexual Harassment and Violence when performing work at and for Capital Power. Compliance with this Policy is a material condition of every Employee’s ongoing employment and every Agent’s continuing retention.

Capital Power does not tolerate and is committed to eliminating the hazards of Workplace Discrimination, Harassment, Sexual Harassment and Violence. Capital Power will investigate, and take corrective action to address, all incidents of Workplace Discrimination, Harassment, Sexual Harassment and Violence.

Capital Power is committed to treating everyone fairly and equitably and will not tolerate any discrimination of or by an Employee or Agent on the basis of a Protected Ground. Capital Power will assess all applicants and Employees by their qualifications, demonstrated skills and achievements without regard to any of the Protected Grounds.

Racial, ethnic or religious slurs or other slurs, and verbal or physical conduct relating to Protected Grounds constitute prohibited discriminatory behaviour when:

- submission to the conduct is an explicit or implicit term or condition of employment;
- submission to or rejection of the conduct is used as the basis for any employment decision (including, without limitation, decisions pertaining to compensation, promotion, performance ratings, work assignments, discipline, training or termination); or
- the conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment.

A violation of this Policy may include, but is not limited to, written or verbal comments, actions, gestures or other behaviours or jokes which are humiliating, offensive, hurtful or disparaging, including any conduct, comment, bullying or action against an individual because of any Protected Grounds.

In addition, Capital Power will not tolerate, and strictly prohibits, Sexual Harassment in any form.

When any Employee or Agent suspects that another Employee or Agent is or is likely to be exposed to Violence at a Work Site, he or she must report such suspicion to Senior Management so that Capital Power can take reasonable precautions to protect the Employee and any other persons at the Work Site that may be impacted.

This Policy applies not only during working hours but to any activities on or off Capital Power premises which could reasonably be associated with the work site, including company sponsored work events, social events and social media outlets.

Managers and supervisors have a broad range of responsibilities and are responsible for monitoring workflow and providing feedback on an Employee's performance. This Policy is not intended to limit or constrain the reasonable exercise of management functions in the workplace. The legitimate exercise of workplace supervisory or managerial authority is not workplace Harassment or Discrimination.

Capital Power will not disclose the circumstances related to an incident (or an alleged incident) or the names of the parties involved (including the complainant, the person(s) alleged to have committed Workplace Discrimination, Harassment or Violence and any witnesses to the incident) except where necessary as outlined in Section VI - *Maintaining Confidentiality* - of this Policy.

Capital Power's Joint Work Site Health and Safety Committees (JWSHSC) are aware of the current Policy requirements as required pursuant to various Occupational Health and Safety requirements across Canada and the United States.

### **III. Definitions**

Throughout this Policy, the following terms shall have the following defined meanings.

**"Agents"** means Capital Power's consultants, independent contractors and agents.

**"Discrimination"** means treating an individual or group differently than others on the basis of one or more Protected Ground in such a way as to have a negative impact on that individual or group.

**"Employees"** means all employees of Capital Power, including full-time, part-time, casual or contracted employees, including senior management and the Board of Directors.

**"Harassment"** means a single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonably to know will or would cause offence or humiliation to an Employee or adversely impact the Employee's health and safety.

**"Protected Grounds"** are race, religious beliefs, skin colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, sex (including pregnancy and breast feeding), record of offences, political belief or sexual orientation.

**“Sexual Harassment”** means unwelcome sexual advances or sexual solicitation and other verbal or physical conduct of a sexual nature, when:

- submission to the conduct is an explicit or implicit term or condition of employment, any term of employment, compensation, performance review or advancement;
- submission to or rejection of the conduct is used as the basis for any employment decision (including, without limitation, decisions pertaining to compensation, promotion, performance ratings, work assignments, discipline, training or termination); or
- the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- Furthermore, Sexual Harassment can include, but is not limited to:
  - explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing";
  - jokes about gender-specific traits;
  - foul or obscene language or gestures, displays of foul, obscene or sexist printed or visual material; and
  - unwelcome physical contact such as deliberately patting, pinching, or brushing against another person's body.

**“Violence”** means the threatened, attempted or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm and includes:

- the exercise of physical force by a person against an Employee or Agent, in a workplace, that causes or could cause physical injury to the Employee or Agent;
- an attempt to exercise physical force against an Employee or Agent, in the workplace, that could cause physical injury to the Employee or Agent; or
- a statement or behaviour that is reasonable for an Employee or Agent to interpret as a threat to exercise physical force against the individual that could cause physical injury to the Employee or Agent; and
- domestic violence or sexual violence.

**“Work Site”** means any place where business or work-related activities are conducted and includes, but is not limited to, the physical work premises (offices or plants), work-related social functions, assignments outside of Capital Power’s offices or plants, work-related travel and work-related conferences or training courses.

## **IV. Accountabilities**

All Capital Power Employees and Agents are responsible for creating and maintaining a workplace free from Workplace Discrimination, Harassment, Sexual Harassment and Violence and must comply with this Policy.

Any Employee or Agent who observes or otherwise becomes aware of any potential complaint of Workplace Discrimination, Harassment, Sexual Harassment or Violence, including an issue in which an individual may be exposed to domestic violence at the Work Site, must promptly report the potential complaint in accordance with Section VIII below.

Capital Power's management pledges to investigate and address all incidents and complaints under this Policy in a timely and fair manner, respecting the privacy of all concerned to the fullest extent possible.

## **V. No Retaliation**

Capital Power does not tolerate retaliation against any individual for reporting issues or potential policy and/or legal violations under this Policy in good faith. Capital Power will not allow or pursue retaliation of any kind against any individual who reports a violation or ethical concern or who participates in an investigation. Retaliatory behaviour by any Employee or Agent of Capital Power in response to a complaint filed under this Policy will be considered a violation of Capital Power's *Ethics Policy* and will result in disciplinary action, up to and including termination.

## **VI. Maintaining Confidentiality**

Capital Power will make every effort to protect the identity of any Employee or Agent making a report in good faith as well as the person alleged to have committed the violation and any witnesses to the incident. Capital Power will not disclose the circumstances related to an incident of Workplace Discrimination, Harassment, Sexual Harassment or Violence, or the names of the parties involved (including the complainant, the person alleged to have committed the incident, and any witnesses) except where necessary: (i) to investigate the incident or to take corrective action; (ii) to inform the parties involved in the incident of the results of the investigation and corrective action taken; (iii) to inform Employees of a specific or general threat of Violence or potential Violence; or (iv) as required by law.

Capital Power will only disclose that amount of personal information that is necessary to inform Employees of a specific or general threat of Violence or potential Violence.

For each investigation undertaken, Capital Power requires those Employees or Agents interviewed, as part of the investigation process, not to discuss the matter with others and to maintain confidentiality. Failure to maintain confidentiality may be grounds for disciplinary action, up to and including termination.

## **VII. Violations**

Failure to comply with this Policy will result in disciplinary action, up to and including termination of employment or other relationship with Capital Power, and/or referral to appropriate law enforcement authorities.

## **VIII. Making Complaints and Reporting Concerns**

There are several ways for Employees and Agents to report situations in which they believe, or suspect, there has been a violation of this Policy, laws and/or regulations on Workplace Discrimination, Harassment, Sexual Harassment or Violence. All concerns and any investigation conducted in response to a potential violation of this Policy and/or an associated law or regulation will be investigated in accordance with Capital Power's *Ethics Investigation Procedures* which can be found in Appendix A of Capital Power's *Ethics Policy*.

This Policy, and the reporting requirements herein, are not intended to discourage Employees from exercising their rights pursuant to any other law, including the provincial *Human Rights Act* in Alberta, the *Human Rights Codes* of British Columbia or Ontario or any *Occupational Health and Safety Regulation*.

**In the event of an emergency at a Work Site, please call 9-1-1 first and then Capital Power’s Security Team.**

## **IX. Acknowledgement**

Every Employee, including every member of Senior Management and the Board of Directors, is required to certify upon hiring and biennially thereafter as a condition of their employment or appointment to the Board that he or she has received, read, understands and will comply with this Policy.

## **X. Agents**

We expect Agents of Capital Power to demonstrate strong ethical values and standards of behaviour. Accordingly, all Agents of Capital Power are expected to develop and enforce ethics policies and/or practices that are consistent with this Policy that apply to their staff providing services to, or on behalf of, Capital Power. Every Agent, as a condition of their engagement with Capital Power, must either:

- Agree to comply with this Policy; or
- Certify in writing to Capital Power that he, she or their respective firm has a policy that is binding on them and which contains all the elements of this Policy.

We therefore strive to ensure that our Agents are made aware of those Capital Power policies (including this Policy) which apply to the work for which they are being engaged. Ongoing compliance with the principles set forth in this Policy is a material condition of every Agent's continuing relationship with Capital Power.

## **XI. Policy Review**

This Policy will be reviewed when an incident occurs and at a minimum on an annual basis or when changes to applicable laws or regulations dictate that a review takes place. Any changes made to the Policy will be communicated to all Employees and Agents.

## **XII. References and Related Policies and Procedures**

Alberta Human Rights Act  
Ontario Human Rights Code  
BC Human Rights Code

Capital Power’s Ethics Policy  
Capital Power’s Compliance Training  
Capital Power’s Violence Prevention Procedures