



## Bullying, Harassment and Discrimination Policy

Jealous Fruits Farms is committed to providing a work environment free of bullying, harassment and discrimination; such behavior will not be accepted or tolerated. All employees will be treated in a fair and respectful manner.

### **Definitions:**

#### **Bullying and Harassment**

(a) includes any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but

(b) excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

Examples of conduct or comments that may constitute bullying and harassment include verbal aggression or insults, calling someone derogatory names, harmful hazing or initiation practices, vandalizing personal belongings, and spreading malicious rumors.

Reasonable action taken by the employer or supervisor relating to the management and direction of workers or workplace is not considered workplace harassment.

#### **Sexual Harassment**

(a) engaging in a course of vexatious comment or conduct against another worker in the workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought to be reasonable know to be unwelcome, or

(b) 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 of the worker and the person knows or ought to reasonably have known that the solicitation or advance is unwelcome.

#### **Discrimination**

Occurs if a distinction, exclusion or preference is made based on one or more of the following grounds that imposes disadvantages in the workplace that are not imposed on others:

Race, colour, ancestry, place of origin, religion, family status, marital status, physical disability, mental disability, sex, age, sexual orientation, gender identity, political belief or criminal or summary conviction unrelated to an individual's employment or intended employment.

#### **Workers must:**

- not engage in the bullying, harassment and discrimination of other workers
- report if bullying, harassment and discrimination is observed or experienced
- apply and comply with the employer's policies and procedures on bullying, harassment and discrimination

## **Resolution/Complaint Procedures:**

### **1. When to report:**

Incidents or complaints should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated and addressed promptly.

### **2. How to report**

#### **Informal**

- Any employee who believes that he/she has been subject to bullying and harassment and/or discrimination is encouraged, where appropriate, to discuss his/her concerns with the other party as soon as possible and ask that person to stop the offensive behavior.
- Where a discussion is inappropriate, or where it is unsuccessful, any person that feels he/she has been subject to bullying and harassment and/or discrimination should immediately contact Human Resources.
- If the complaint involves someone in the employee's direct line of supervision, the employee is encouraged to go directly to the next level of authority and/or Human Resources.

#### **Formal**

- Where complaints are unable to be resolved informally, Jealous Fruits employees can report incidents or complaints of workplace bullying and harassment and/or discrimination in writing to the Human Resource Manager. Complaints must be submitted on the Violence, Bullying and Harassment Complaint Form.
- All complaints will be promptly investigated in a confidential and objective manner. The Human Resource Manager is available for consultation if the manager or employee requires assistance during the course of the investigation. All formal investigations will be coordinated through Human Resources. This may include: providing guidance to the supervisor investigating the complaint, facilitating investigation sessions, leading the investigation in the event there is no resolution, proceeding to consensual mediation and/or obtaining the services of an external investigator.
- If the Jealous Fruits investigating team determines that there has been a violation of this policy, it will take prompt and appropriate corrective action based on all of the circumstances involved against the offending employee, up to and including termination.
- All management and staff are accountable for the effective resolution of all incidents reported to them under this policy.

### **3. What to include in a report**

Provide as much information as possible in the report, such as names of people involved, witnesses, where the events occurred, when they occurred and what behaviour and/or words led to the complaint. Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted.

#### **4. Roles and Responsibilities**

An incident or complaint of workplace harassment, bullying or discrimination will be investigated promptly.

- The Human Resource Manager is responsible for ensuring workplace investigation procedures are followed.
- Workers are expected to cooperate with investigators and provide details of incidents they have experienced or witnessed.
- All investigations and conclusions are to be handed in to the Human Resource Department.
- If an external investigator is hired, he/she will conduct investigations and provide a written report with conclusions to the Human Resource Manager.

#### **5. Investigation**

Jealous Fruits will ensure that an investigation appropriate to the circumstances is conducted when the employer, human resources, a manager or supervisor becomes aware of an incident of workplace harassment, bullying or discrimination.

Your supervisor, a member of the JHSC and/or the Human Resource Manager will conduct the investigation into the incident or complaint. If the allegations involve a member of the senior leadership team and above, Jealous Fruits may refer the investigation to an external auditor to conduct an impartial investigation.

The investigation will include:

- Informing the respondent of the complaint;
- Interviewing the complainant, any person involved in the incident and any identified witnesses.
- Interviewing any other person who may have knowledge of the incidents related to the complaint or any other similar incidents.

A copy of the complaint, detailing the complainant's allegations, will then be provided to the respondent(s).

- The respondent is invited to reply in writing to the complainant's allegations and the reply will be made known to the complainant before the case proceeds further. Responses to complaints must be submitted on the Violence, Bullying and Harassment Response to Complaint Form.
- The Company will do its best to protect from unnecessary disclosure the details of the incident being investigated and the identities of the complaining party and that of the alleged respondent.
- During the investigation, the complainant, and the respondent will be interviewed as well as any possible witnesses. Statements from all parties involved will be taken and a decision will be made.
- Where it is determined that harassment has occurred, a written report of the remedial action will be given to the employees concerned.

A written report summarizing the steps taken during the investigation, complaint, the allegations of the worker who experienced the workplace harassment, the response from the harasser, the evidence of any witnesses and the evidence gathered. The report will set out the findings of fact and the conclusion about whether or not harassment was found.

All documents related to the formal investigation will be maintained in a sealed envelope within a locked cabinet. The documentation will be kept by Jealous Fruits for a period of no less than three (3) years\* after the respondent terminates their employment.

## **6. Confidentiality**

Jealous Fruits will attempt, in all cases, to maintain the confidentiality of the complainant and respondent. While it is not always possible to do so when soliciting witness statements, Jealous Fruits will not release any information to other employees which would jeopardize the confidentiality of the parties involved. Where it is determined that legislation/law was contravened, Jealous Fruits will supply any and all evidence to the authorities as necessary, in accordance with the *Personal Information Protection Act (PIPA)*.

## **7. Follow up**

The alleged bully and alleged target will be advised of the investigation findings. Following an investigation, the Human Resource Manager will review and revise the workplace procedures to prevent any future bullying, harassment or discrimination incidents in the workplace. Appropriate corrective actions will be taken within a reasonable time frame.

## **8. Record Keeping**

Jealous Fruits expects that workers will keep written accounts of incidents to submit with all complaints. Jealous Fruits will keep a written record of investigations, including the findings. All documents related to the formal investigation will be kept by Jealous Fruits. A copy of any corrective action taken to address the complaint or incident of workplace bullying, harassment or discrimination will also be kept with the final report.

All records will be kept for a minimum of 3 years\*.

*\* Please Note: this is a best practices recommendation; there is no specific legislation regulating the length of time a company must maintain such files.*

## **9. Training**

Jealous Fruits will provide training on the Bullying, Harassment and Discrimination Policy ensuring that:

- a) Employees understand the contents of the policy;
- b) Employees and Supervisors/Managers recognize bullying, harassment and discrimination in the workplace;
- c) Employees know how they can respond to and report incidents of bullying, harassment and discrimination;

- d) Employees understand how the Company will respond to and investigate reports of bullying, harassment and discrimination;
- e) Supervisors/Managers are adequately trained on how to respond to and investigate reports bullying, harassment and discrimination; and,
- f) Supervisors/Managers are adequately trained on how to provide support for employees who may suffer from adverse symptoms as a result of bullying, harassment and discrimination.

#### **10. Annual Review**

This policy and procedures will be reviewed annually. All workers will be provided with a copy as soon as they are hired, and copies will be available from your supervisor or the Human Resource Department.

I, \_\_\_\_\_, understand that Jealous Fruits maintains a **Bully, Harassment and Discrimination Policy** requiring all employees to be treated in a fair and respectful manner.

I have received and read a copy of this policy. If I did not understand the policy, I have asked for and have received an explanation. I understand that any breach of the policy may result in administrative and/or disciplinary measures, up to and including dismissal for cause.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PRINT NAME