MS Canada
Policy Manual

Policy Direction - Respectful Workplace & Environment - Anti-violence, Harassment, Bullying and Discrimination

Rationale and Relationship to Vision, Mission, and Values

MS Canada is firmly committed to providing a work, volunteer, event and meeting environment free from violence, harassment, bullying and discrimination, from any person, and where the safety, dignity, and self-esteem of every worker is respected. MS Canada is firmly committed to eliminating or, if that is not reasonably practical, minimizing the risk of violence, harassment, bullying, and discrimination. All MS Canada workers and volunteers are personally accountable to foster such an environment and enforce this policy, and make every effort to prevent and/or report violent, harassing or discriminating behavior.

MS Canada's Respectful Workplace & Environment Policy encompasses the following areas:

- Section 1 – Inclusion, Diversity, Equality & Accessibility
- Section 2 – Workplace Violence
- Section 3 – Workplace Harassment & Bullying
- Section 4 – Incident Reporting & Investigation
- Section 5 – General Policy Guidelines

Policy Objective

Fair and non-judgmental treatment, open communication, and equal opportunity are the cornerstones of MS Canada's workplace. Every worker and volunteer is expected to contribute to a fair and equitable environment by demonstrating satisfactory and just treatment of all colleagues.

While this policy does not limit social interaction between colleagues, it does require that all workers and volunteers, and particularly leaders, be sensitive to the constraints required in the conduct of their working relationships with fellow

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workers and volunteers. MS Canada leadership is obliged to exemplify fair and equitable conduct. In addition to supporting MS Canada's objectives through their own actions, leaders are also responsible for dealing with the inappropriate actions of others that come to their attention.

Policy Application

This policy applies to all MS Canada workers, as defined under applicable health and safety legislation. This policy also applies to all persons who attend an MS Canada workplace including job candidates, clients, visitors, and vendors.

Examples of MS Canada workplaces include (but are not limited to) the following:

- All MS Canada offices, including washrooms, vehicles and any other location where MS Canada business is being conducted including rented venues
- Places where workers and/or volunteers have gathered as a result of employment responsibilities
- Attendance at an MS Canada sponsored conference, training, fundraising or social event
- Any area in which a worker's or volunteer's behaviour or actions may adversely affect workers and volunteers

MS Canada will ensure that all workers and volunteers are trained, educated, and made aware of their responsibilities and our anti-violence, harassment, bullying, and discrimination policies, practices and standards. In addition, a copy of this policy will be made available to all workers and volunteers and will be posted to our external website.

Please note that all complaints, including those submitted anonymously, will be reviewed. However, formal investigations may not be possible if sufficient information is not available. The person accused of harassment has the right to be informed of the specific actions in the allegations and to defend themselves. Confidentiality will be maintained to the greatest extent possible.

Important Note: This Policy is not intended to discourage or prevent anyone from exercising any other legal rights under any other law.

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Authorization

This policy was approved by the Board of Directors on June 11, 2010.

Policy Details

Specific Employer Responsibilities

- Posts this policy in a conspicuous place in the workplace;
- Ensures that all workers are provided with information and instruction on the contents of this policy;
- Establishes a process for reporting, responding to, and, when appropriate, investigating incidents;
- Ensures that the process for reporting incidents, and the way that reports will be handled, is communicated, maintained and respected;
- Reviews the policy as needed, and on an annual basis, at least.

Specific Leader Responsibilities

- Takes corrective action with anyone under their direction who contravenes this policy;
- Ensures, insofar as is reasonably practicable, that all workers under the leader's direct supervision feel safe and supported;
- Understanding, actively supporting, and abiding by this policy;
- Taking all complaints seriously, responding promptly, and immediately reporting all complaints or incidents.

Specific Worker and Volunteer Responsibilities

- Abides by this policy;
- Immediately reports any and all incidents to which they are subjected or that they witness;
- Participates in any required training under this policy;
- Cooperates in a timely manner with the handling, including the investigation process, and resolution of any reported breach of this policy;
- Maintains the confidentiality of evidence and/or information required in the course of an investigation.

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SECTION 1. INCLUSION, DIVERSITY, EQUALITY & ACCESSIBILITY

MS Canada is dedicated to ensuring a supportive and inclusive culture and environment.

Our aim is to ensure that all workers and volunteers and those interested in joining our team are given equal opportunity and that our organization is representative of all sections of society. Each worker and volunteer will be respected and valued and able to give their best as a result.

We are committed to providing equality and fairness to all workers and volunteers regardless of age, disability, gender identity, gender expression, marital or family status, Indigenous identity, race, ethnic origin or place of origin, colour, ancestry, creed, or sex and sexual orientation or any other protected ground under applicable human rights legislation.

MS Canada is opposed to all forms of unlawful and unfair discrimination. All workers and volunteers will be treated fairly and with respect. All workers and volunteers will be given help and encouragement to develop their full potential and utilize their unique talents. Therefore, the skills and resources of our organization will be fully utilized, and we will maximize the efficiency of our whole workforce.

SECTION 2. WORKPLACE VIOLENCE

MS Canada has taken actions to identify possible sources of workplace violence and to implement a workplace violence prevention program to eliminate or minimize risk. This program includes worker and volunteer training to be completed and documented within 90 days of starting work. Weapons, with or without valid permits, are strictly prohibited on MS Canada's premises; violators will be subject to disciplinary action, and the incident will be reported to the police.

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Workplace Violence

Workplace violence is the conduct, exercise of physical force, statement, or behaviour by a person against a worker or volunteer, in a workplace, that causes or could cause physical or psychological injury or harm to the worker or volunteer. It also includes an:

a) Attempt to exercise physical force against a worker or volunteer in a workplace, that could cause physical injury to the worker or volunteer; and a
b) Statement or behaviour that a worker and volunteer could reasonably interpret as a threat to exercise physical force against the worker and volunteer in a workplace, that could cause physical injury to the worker and volunteer.

Examples of workplace violence may include, but are not limited to:

- Verbally threatening to attack a worker and volunteer;
- Leaving threatening notes at or sending threatening notes or emails to a workplace;
- Shaking a fist in a worker or volunteer's face;
- Hitting, shoving, pushing, kicking, or throwing an object at a worker or volunteer
- Kicking an object the worker or volunteer is standing on such as a ladder, or trying to run down a worker or volunteer using a vehicle or equipment such as a forklift;
- Sexual violence against a worker or volunteer;
- Wielding a weapon at work.

The definition of workplace violence is broad enough to include acts that would constitute offences under *Canada's Criminal Code.*

Sexual Violence

Sexual Violence means any form of violence targeting sexuality or any other misconduct, including unwanted gestures, practices, comments, behaviours or attitudes with sexual connotations, whether they occur once or repeatedly, including violence relating to sexual and gender diversity.

Violence

Any worker or volunteer who believes that violence may occur in the workplace that would likely expose the individual to physical injury should report the matter immediately to HR in accordance with the reporting procedures in Section 4 below. MS Canada recognizes and respects the sensitivity and confidential nature of such information. MS Canada is committed to reducing the risk of violence occurring in the workplace, but we need the help of all workers and volunteers. Workers and volunteers who believe that they are at risk of being subjected to violence will be supported by MS Canada and will be provided with appropriate and confidential outside support, as appropriate.

Violence Risk Assessment

MS Canada will conduct a risk assessment of the work environment to identify any issues related to potential violence that may affect MS Canada and will institute measures to control any identified risks to worker and volunteer safety. The assessment will consider the specific circumstances of the workplace and circumstances common to similar workplaces. This information will be provided to HR and the joint health and safety committee. Workers and volunteers may speak to HR regarding the information about the nature and extent of the hazard of violence, including information related to specific or general threats of violence or potential violence. HR will disclose only the minimum amount of personal information that is necessary to inform workers and volunteers of a specific or general threat of violence or potential violence. The risk assessment may include review of records and reports (e.g., security reports, employee incident reports, staff perception surveys, health and safety inspection reports, first aid records, or other related records). If required under applicable legislation, MS Canada will extend this risk assessment to identify the risks of psychological harassment, including the risks arising from such behaviour in the form of verbal comments, actions or gestures of a sexual nature.

MS Canada will include in this program measures and procedures to control the identified risks in the assessment as likely to expose workers and volunteers to physical injury.

MS Canada will repeat the assessment as often as necessary to ensure the workplace violence policy and program continue to protect workers and

volunteers from workplace violence and inform the JHSC of the results of the re-assessment.

MS Canada will communicate information relating to a person with a history of violence where:

- Workers and volunteers may reasonably be expected to come into contact with the person in the performance of their job duties; and
- There is a potential risk of workplace violence as a result of interactions with the person with a history of violence.

If MS Canada becomes aware of domestic violence that would likely expose workers and volunteers to physical or psychological injury in the workplace, it will take every precaution reasonable in the circumstances to protect the workers and volunteers.

Workers and volunteers may report incidents of workplace violence in accordance with Section 4 below.

SECTION 3. WORKPLACE HARASSMENT & BULLYING

General Workplace Harassment and Bullying

Workplace Harassment is defined as:

(a) engaging in a course of vexatious comment or conduct against a worker in a workplace, including virtually through the use of information and communications technology, that is known or ought reasonably to be known to be unwelcome; and
(b) workplace sexual harassment.

The definition of workplace harassment is broad enough to include harassment prohibited under the Ontario *Human Rights Code,* and psychological harassment or personal harassment.

Workplace harassment also includes psychological harassment, which means any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects a worker's dignity or

psychological or physical integrity and that results in a harmful work environment for the worker. For greater certainty, psychological harassment includes such behaviour in the form of verbal comments, actions or gestures of a sexual nature.

A single serious incidence of such behaviour that has a lasting harmful effect on a worker may also constitute psychological harassment.

An individual should be aware that even though they may not intend for a behaviour or comment to be offensive, it may still fall within the definition of workplace harassment, regardless of intention. Workplace harassment can take many forms including but not limited to sexual harassment, verbal, physical, psychological, visual or any other conduct, which the harasser knows or ought to know is unwelcome to the recipient. While harassment is usually based on an ongoing pattern of abuse, in some instances a single incident can be sufficiently serious to constitute harassment.

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

Some examples of harassment include, but are not limited to the following:

- Behaviour that is hostile in nature, or intends to degrade an individual based on personal attributes, including age, race, nationality, disability, family status, religion, gender, sexual orientation, gender identity, gender expression, or any other protected ground under applicable human rights legislation
- Reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant, or deny a benefit or advancement to the person
- Unwelcome remarks, jokes, innuendos, propositions, or taunting about a person's body, attire, sex or sexual orientation, or religion
- Suggestive or offensive remarks or unwelcome language
- Leering (suggestive persistent staring)
- Any actions that create a hostile, intimidating, or offensive workplace, which may include physical, verbal, written, graphic, or electronic means.
- Any threats of physical violence that endanger the health and safety of the worker

- Offending behaviour reflected in words, acts or gestures that infringe on a worker's dignity or psychological integrity and adversely affect their work environment.

This list of examples is not meant to be exhaustive. The absence of any conduct from this list does not mean the conduct is not harassment. MS Canada retains the right and discretion in all situations to discipline any worker that it finds has engaged in harassing or retaliatory conduct regardless of whether the conduct is specifically described above.

Sexual Harassment

Sexual Harassment is defined as:

(a) engaging in a course of vexatious comment or conduct against a worker in a workplace including virtually through the use of information and communications technology, 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

(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 to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Types of behavior that constitute sexual harassment include, but are not limited to:

- Sexist jokes, sexually suggestive or obscene comments or gestures causing embarrassment or offense
- Leering (suggestive staring)
- Unwelcome inquiries or comments about a person's sex life,
- Unwelcome sexual flirtations, advances, propositions, or persistent social invitations
- Unwanted physical contact such as touching, patting, or pinching, with an underlying sexual connotation; verbal abuse or threats
- Bragging about sexual prowess, or displaying of pornographic or sexist pictures or materials
- Sexual assault

MS Canada discourages sexual or romantic relationships between its leadership team and workers and volunteers, if such leadership is in a position to influence or reasonably perceived to influence decisions impacting workers and volunteers. If such a relationship does exist, the parties involved must inform senior leadership immediately.

Bullying and Cyberbullying

Workplace Harassment includes bullying which is generally seen as acts or verbal comments that could hurt or isolate a person in the workplace. Sometimes bullying can involve negative physical contact. Bullying involves taking an action or actions that a person knew or reasonably ought to have known would intimidate, offend, degrade or humiliate a particular person or group of people.

Cyberbullying meets the same criteria, however, the method of delivery is via electronic media.

Examples of bullying include, but are not limited to:

- Social isolation, gossiping, silent treatment or participating in the spread of workplace rumours
- Personal attacks on an individual's private life, attributes
- Excessive or unjustified criticism or verbal aggression
- Vandalizing personal belongings

Examples of bullying would not include:

- The legitimate exercise of direct supervisory responsibilities, including giving advice; assigning work; performance appraisal; performance or behaviours correction; and discipline for cause
- Respectful discussion of different points of view

SECTION 4. INCIDENT REPORTING & INVESTIGATION

This policy prohibits reprisals against individuals acting in good faith who report incidents of workplace violence, harassment or discrimination or act as witnesses. Leadership will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further violence. Reprisal is defined as any act of retaliation or disciplinary action, either direct or indirect. However, a false accusation made by a person who knows it to be false represents a contravention of this policy and would be subject to disciplinary action up to and including the termination of employment or position.

Workplace Violence Reporting Process

If you are either directly affected by, or a witness to, any violence in the workplace, it is imperative for the safety of all workers and volunteers that the incident be reported without delay.

1. Report all incidents of workplace violence (including threats), to your leader or to HR or another member of the senior leadership team.
2. Assess the risk associated with the situation and ensure that all details and parties involved are formally documented.
3. If a leader becomes aware of a complaint, the leader will report all incidents of workplace violence (including situations that could result in future workplace violence), to their Executive Lead as soon as possible, who will then notify HR. HR will investigate any incidents with leaders, inform senior leadership as necessary, and take the appropriate actions as needed. If HR is unable to do so, the President & CEO shall assume the responsibilities of HR.

Workplace Violence Investigating Process

MS Canada shall:

- Handle, including, if appropriate or required under applicable legislation, by investigating, all reported acts and incidents of violence, and consult with other parties (e.g., legal counsel, health and safety consultants, JHSCs, employee assistance provider, human rights office, local police services) promptly.
- Take all reasonable measures to eliminate or mitigate risks identified by the incident.

- Document the incident, its investigation, and corrective action taken.
- Submit a report of the incident to the Ministry of Labour where a paid employee incurs a lost time injury as a result of violence in the workplace.
- Review this policy and hazard assessment annually, or as changes to job responsibilities or environments occur, and revise the assessment as needed.
- Review this policy as needed, and at least on an annual basis, in conjunction with review of the hazard assessment, the effectiveness of actions taken to minimize or eliminate workplace violence and make improvements to procedures, as required.
- Post this policy in a conspicuous place in the workplace.

Harassment, Bullying, and Discrimination Reporting Process

If you believe you have been personally harassed, bullied or discriminated against, you may:

- Confront the harasser personally or in writing pointing out the unwelcome behaviour and requesting that it stop; or
- Discuss the situation with the harasser's leader, your leader, HR or any senior leader; or,
- Make a written complaint directly to the Director, People and Culture at myHR@mscanada.ca or to a member of the Executive leadership team if the complaint relates to HR. Should you make a written complaint, please include the following information: team if the complaint relates to HR. Should you make a written complaint, please include the following information:
  - The approximate date and time of each incident you wish to report
  - The name of the person or persons involved in each incident
  - The name of any person or persons who witnessed each incident
  - A full description of what occurred in each incident

Harassment, Bullying and Discrimination Investigating Process

Once a complaint has been received, MS Canada will promptly handle it as appropriate in the circumstances, including, if applicable or required under applicable legislation, by conducting a thorough investigation.

For the purposes of this section the following definitions apply:

Complainant – The person who has made a complaint about another individual whom they believe committed an act of violence, discrimination, harassment, or bullying against them.

Respondent – The person whom another individual has accused of committing an act of violence, discrimination, harassment or bullying.

The investigation will include:

- Informing the Respondent of the complaint;
- Interviewing the Complainant, any person involved in the incident, and any identified witnesses; and
- 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, is then provided to the Respondent.

- 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 investigation proceeds further
- MS Canada will protect from unnecessary disclosure the details of the incident being investigated and the identities of the Complainant and the Respondent and anyone else involved in the investigation.
- During the investigation, the Complainant and the Respondent will be interviewed, as will any possible witnesses. Statements from all parties involved will be taken and documented, and the investigator will determine whether a specific incident did or did not occur based on a balance of probabilities and assess whether the alleged conduct is harassment, bullying and/or discrimination under the policy.
- If necessary, MS Canada may employ outside assistance or request the use of legal counsel to conduct the investigation.
- Upon completion of the investigation, MS Canada will inform both the Complainant and Respondent in writing of the findings of the investigation and any corrective action that has been or will be taken as a result of the investigation.

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- MS Canada will review the results of the investigation, and implement appropriate measures to eliminate or control the hazard of violence, harassment or discrimination that has been identified.
- Where practicable, the Complainant and Respondent will receive notification of the results of the investigation within 10 days of the investigation being completed.

If the Complainant decides not to lay a formal complaint, senior leadership may still decide that a formal complaint is required (based on the investigation of the incident) and will file such documents with the person against whom the complaint is laid (the Respondent).

If it is determined that harassment or bullying in any form has occurred, MS Canada will take such action as is appropriate under the circumstances as soon as possible. Any violation of this Policy is considered a serious breach. MS Canada may therefore take disciplinary measures, up to and including termination of employment or position, if the complaint of harassment and/or discrimination is found to be substantiated.

SECTION 5. GENERAL POLICY GUIDELINES

Seeking Immediate Assistance

Canada's *Criminal Code* addresses violent acts, threats, and behaviours, such as stalking. The police should be contacted immediately when an act of violence has occurred in the workplace or when someone in the workplace is threatened with violence. If a worker or volunteer feels threatened by worker, volunteer, student, vendor, visitor, client, or customer, an immediate call to "911" is required.

Special Circumstances

Should a worker or volunteer have a legal court order (e.g., a restraining order, or "no-contact" order) against another individual, the worker or volunteer is encouraged to notify their leader, and to supply a copy of that order to HR. This will be required in instances where the worker or volunteer strongly feels that the aggressor may attempt to contact that worker or volunteer at MS Canada, in direct violation of the court order, so that MS Canada may take all reasonable

actions to protect the worker or volunteer. Such information shall be kept confidential and protected in accordance with all applicable legislation.

If any visitor to MS Canada workplace is seen with a weapon (or is known to possess one), or makes a verbal threat or assault against a worker or volunteer or another individual, witnesses are required to immediately contact the police, emergency response services, their leader, and HR.

All records of harassment and bullying and subsequent investigations are considered confidential and will not be disclosed to anyone except to the extent required by law. In cases where criminal proceedings are forthcoming, MS Canada will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.

Fraudulent or Malicious Complaints

This Respectful Workplace & Environment Policy must never be used to bring fraudulent or malicious complaints against workers. It is important to realize that unfounded or frivolous allegations of workplace harassment or bullying may cause both the accused person and MS Canada significant damage. If it is determined by MS Canada that any worker or volunteer has knowingly made false statements regarding an allegation of harassment or bullying, immediate disciplinary action will be taken, up to and including termination of employment or position.

Information and training program

MS Canada is committed to equipping all its workers with the tools and knowledge necessary to identify potential incidents under this Policy, to understand the consequences thereof and to recognize all the benefits of a workplace free from violence and harassment, in all its forms, and discrimination.

As such, all workers will be required to undergo mandatory recurrent training on the prevention and identification of Workplace Violence, Sexual Violence, Workplace Harassment (including sexual harassment), Bullying and Discrimination and the reporting process.

HR and the Senior Leadership Team will also be required to undergo mandatory recurrent training on how to receive and handle complaints/reports of incidents under this Policy.

Disciplinary Measures

If it is determined by MS Canada that any worker or volunteer has been involved in violent behaviour, harassment, bullying or discriminatory conduct against another worker or volunteer, appropriate action will be taken in the circumstances. Disciplinary action will be taken on a case-by-case basis depending upon the severity of the situation and may include termination of employment or position.

Record Keeping

MS Canada will ensure that appropriate records of complaints and investigations relating to workplace harassment and sexual harassment are kept, including:

- A copy of the complaint or details about the incident
- A record of the investigation including notes
- A copy of the investigation report (if any)
- A summary of the results of the investigation that was provided to the Complainant and Respondent, if the alleged harasser is a worker or volunteer of the employer
- A copy of any corrective action taken to address the complaint or incident of workplace harassment

HR will keep all records for a minimum of 3 years unless otherwise required by law.

Confidentiality

MS Canada will do everything it can to protect the privacy of the individuals involved and to ensure that Complainants and Respondents are treated fairly and respectfully. MS Canada will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law. Neither the name of the person reporting the facts nor the circumstances surrounding them will be disclosed to anyone whatsoever, unless such disclosure is necessary for the purposes of the investigation, to take corrective action, to inform the parties

involved in the incident of the results of the investigation and any corrective action to be taken to address the incident, where necessary to inform workers and volunteers of a specific or general threat of violence or potential violence, or as required by law. If disclosure is necessary to inform workers and volunteers of a specific or general threat of violence of potential violence, MS Canada will disclose only the minimum amount of personal information that is necessary.

MS Canada will also provide appropriate assistance to any worker or volunteer who is the victim of violence, discrimination, or harassment.

Managing and Coaching

Counselling, performance appraisal, work assignment, and the implementation of disciplinary actions are not forms of harassment or bullying, and this policy does not restrict a leader's responsibilities in these areas.

Executive Champion

The Vice-President, People and Community is the executive champion of this policy.

Monitoring and Compliance

The Vice President, People and Community, is responsible for leading the monitoring of the application and compliance of this policy direction in conjunction with other members of the Executive Team and leadership staff, including those who have direct responsibility for volunteers. The vice-president will work with the appropriate staff to ensure compliance.

Related Policies, Legislation

The federal and provincial Human Rights Codes, the Provincial Employment Standards Acts and the provincial Occupational Health and Safety statutes.

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Policy Review

The policy is to be reviewed every three years, when an incident of violence, harassment, bullying or discrimination occurs, or as needed.

- October 12, 2022 – Reviewed and approved by Executive Team
- October 15/16, 2026 – Reviewed and approved by the Board of Directors

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Definitions:

Executive Team - The most senior level of staff leadership within MS Canada comprised of the president and chief executive officer; senior vice-president(s) and vice-president(s). One person may hold more than one position. The president and chief executive officer may alter the composition of the executive team as required from time-to-time.

Workplace – Any location where a worker or volunteer of MS Canada is carrying out any work-related function.

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