

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

Rationale and Relationship to Mission, Principles and Values

The Multiple Sclerosis Society of Canada (MS Society) is firmly committed to providing a work, volunteer, event and meeting environment free from violence, harassment, bullying and discrimination, and where the safety, dignity, and self-esteem of every employee is respected. The MS Society is firmly committed to eliminating or, if that is not reasonably practical, controlling the hazard of violence, harassment, bullying, and discrimination. All MS Society employees 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.

The MS Society’s Respectful Workplace & Environment Policy encompasses the following areas:

- Section 1 – Inclusion, Diversity, Equality & Accessibility
- Section 2 – Workplace Violence
- Section 3 – 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 the MS Society’s workplace. Every employee 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 employees and volunteers, and particularly leaders, be sensitive to the constraints required in the conduct of their working relationships with fellow employees and volunteers. MS Society leadership is obliged to exemplify fair and equitable conduct. In addition to supporting the organization’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

Multiple Sclerosis Society of Canada – Policy Manual	
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This policy applies to all MS Society employees and volunteers and others carrying out MS Society’s business on its behalf regardless of position or classification, including temporary employees and contract service providers. This policy also applies to all persons who attend a MS Society workplace including job candidates, clients, visitors, and vendors.

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

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

The MS Society will ensure that all employees 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 employees and volunteers and will be posted to our external website.

Please note that anonymous complaints are not investigated under this policy; the person accused of harassment has the right to be informed of the specific actions in the allegations and to defend themselves.

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

Authorization

This policy was approved by the National 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 employees are provided with information and instruction on the contents of this policy;

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- Establishes a process for reporting, responding to, and 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 employees 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 Employee 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 investigation and resolution of any reported breach of this policy;
- Maintains the confidentiality of evidence and/or information required in the course of an investigation.

SECTION 1. INCLUSION, DIVERSITY, EQUALITY & ACCESSIBILITY

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

Our aim is to ensure that all employees 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 employee 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 employees and volunteers regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, ethnic origin, colour, nationality, national origin, religion or belief, or sex and sexual orientation.

The MS Society is opposed to all forms of unlawful and unfair discrimination. All employees and volunteers will be treated fairly and with respect. When we select

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candidates for employment, promotion, training or any other benefit, it will be on the basis of their aptitude and ability.

All employees 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

The MS Society 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 employee and volunteer training to be completed and documented within 90 days of starting work. Weapons, with or without valid permits, are strictly prohibited on the organization's premises; violators will be subject to disciplinary action, and the incident will be reported to the police.

Workplace Violence

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

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

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

- Verbally threatening to attack an employee and volunteer;
- Leaving threatening notes at or sending threatening notes or emails to a workplace;
- Shaking a fist in an employee or volunteer's face;
- Hitting, shoving, pushing, kicking, or throwing an object at an employee or volunteer

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- Kicking an object the employee or volunteer is standing on such as a ladder, or trying to run down an employee or volunteer using a vehicle or equipment such as a forklift;
- Sexual violence against an employee 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*.

Violence

Any employee 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. The MS Society recognizes and respects the sensitivity and confidential nature of such information. The MS Society is committed to reducing the risk of violence occurring in the workplace, but we need the help of all employees and volunteers. Employees or volunteers who believe that they are at risk of being subjected to violence will be supported by the MS Society and will be provided with appropriate and confidential outside support, as appropriate.

Violence Risk Assessment

The MS Society will conduct a risk assessment of the work environment to identify any issues related to potential violence that may affect the organization and will institute measures to control any identified risks to employee and volunteer safety. This information will be provided to HR. Employees 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 employees 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).

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

- Employees 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.

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SECTION 3. HARASSMENT & BULLYING

For the purposes of this section, worker will be defined as employee and/or volunteer.

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 that is known or ought reasonably to be known to be unwelcome; or
- (b) workplace sexual 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 an employee's dignity or psychological or physical integrity and that results in a harmful work environment for the employee. 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 an employee 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.

The legitimate exercise of direct supervisory responsibilities, including giving advice; assigning work; performance appraisal; performance or behaviours correction; and discipline for cause are **not** considered harassment.

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

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- 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 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 employee
- Offending behaviour reflected in words, acts or gestures that infringe on an employee'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 Society retains the right and discretion in all situations to discipline any employee 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 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.

Sexual harassment can occur between men, between women, or as behaviour by one gender towards the other. Types of behavior that constitute sexual harassment include, but are not limited to:

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- 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

For the most part, victims of sexual harassment are female; however, conduct directed by female employees towards males or between persons of the same sex can also be held to constitute sexual harassment.

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

Harassment

Harassment is defined as any conduct or comment which causes humiliation to an employee because of their racial or ethnic background, their colour, place of birth, citizenship, or ancestry or any other prohibited ground of discrimination.

Examples of conduct which may be discriminatory harassment include:

- Unwelcome remarks, jokes, or innuendos about a person’s racial or ethnic origin, colour, place of birth, citizenship, or ancestry
- Displaying racist or derogatory pictures or other offensive material
- Insulting gestures or practical jokes based on racial or ethnic grounds which create embarrassment
- Refusing to speak to or work with someone or treating someone differently because of their ethnic or racial background

Bullying and Cyberbullying

Bullying 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.

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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

Discrimination

Discrimination is any form of unequal treatment based on any of the 'prohibited grounds' set out in applicable human rights legislation. Harassment can be a form of discrimination if the harassing behaviour is either directly or indirectly related to any of the prohibited grounds of discrimination in the applicable human rights legislation.

Discrimination does not have to be intentional or directed at a specific individual. It can result from practices that appear to be natural, but in reality may discriminate against groups or individuals under one of the protected grounds set out in the applicable provincial human rights legislation.

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.

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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 employees 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

The MS Society shall:

- Investigate 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

Whereas violence is often overt, frequently, discrimination, harassment, or bullying is subtle and employees and volunteers are fearful of making allegations. However, workplace harassment and bullying should not be ignored, as silence can and often is interpreted as acceptance. Any employee or

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volunteer who feels discriminated against or harassed or bullied can and should, in all confidence and without fear of reprisal, personally report the facts. Employees and volunteers will not be demoted, dismissed, disciplined, or denied a promotion, advancement, or employment opportunities because they lodged a complaint of harassment, bullying or discrimination.

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 HR, your leader, or to a member of senior leadership team if the complaint relates to your leader. 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, the MS Society will promptly conduct a thorough investigation that is appropriate in the circumstances.

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.

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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
- The organization 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, the organization may employ outside assistance or request the use of legal counsel to conduct the investigation.
- Upon completion of the investigation, the MS Society 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.
- The MS Society 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 Society 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 Society 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

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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 an employee or volunteer feels threatened by an employee, volunteer, contractor, student, vendor, visitor, client, or customer, an immediate call to "911" is required.

Special Circumstances

Should an employee or volunteer have a legal court order (e.g., a restraining order, or "no-contact" order) against another individual, the employee 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 employee or volunteer strongly feels that the aggressor may attempt to contact that employee or volunteer at the MS Society, in direct violation of the court order, so that the MS Society may take all reasonable actions to protect the employee or volunteer. Such information shall be kept confidential and protected in accordance with all applicable legislation.

If any visitor to the MS Society workplace is seen with a weapon (or is known to possess one), or makes a verbal threat or assault against an employee 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, the MS Society 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 employees. It is important to realize that unfounded or frivolous allegations of workplace harassment or bullying may cause both the accused person and the organization significant damage. If it is determined by the organization that any employee 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.

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Disciplinary Measures

If it is determined by the organization that any employee and volunteer has been involved in violent behaviour, harassment, bullying or discriminatory conduct against another employee and 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

The MS Society 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 an employee 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.

Confidentiality

The MS Society 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. The MS Society 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 employees and volunteers of a specific or general threat of violence or potential violence, or as required by law. If disclosure is necessary to inform employees and volunteers of a specific or general threat of violence or potential violence, the MS Society will disclose only the minimum amount of personal information that is necessary.

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

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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 Innovation & Volunteers is the executive champion of this policy.

Monitoring and Compliance

The vice president, People Innovation & Volunteers, 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.

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

Definitions:

Executive Team – The most senior level of staff leadership within the MS Society comprised of the president and chief executive officer; presidents; 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 an employee or volunteer of the MS Society is carrying out any work-related function.

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