



## **RESPECTFUL WORKPLACE POLICY**

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### **Intent**

Aditya Birla Group recognizes that to achieve its vision, the environment it provides must be one, which demonstrates respect, dignity, equality and safety for all Aditya Birla Group employees.

Aditya Birla Group promotes responsibility, respect, civility and professional excellence in a safe work-environment. Harassment in the workplace is prohibited. Aditya Birla Group considers all complaints of harassment seriously. Investigations into such complaints will be timely, thorough, objective and fair to all affected parties. Every person is entitled to work free of harassment. Every person has the right to report an incident or suspected incident without fear of reprisal. For complaints and further information regarding harassment, please refer to the Code of Practice for Managing Workplace Harassment.

The purpose of the Mutual Respect Policy is to maintain a working environment that is free from harassment. All employees share a common responsibility to ensure that everyone in the workplace is treated with respect. A respectful workplace values diversity and inclusion, courteous conduct, equality, positive communication and professional working relationships.

This policy establishes the written code of practice for harassment for Aditya Birla Group's in compliance with the New Brunswick Regulation 91-191 under the *Occupational Health and Safety Act*, Part XXII.I Harassment Code of Practice, Section 374.4(1).

The Human Resources Manager is responsible for implementing this policy.

### **What is the Workplace?**

Workplace means the place of employment and includes any building, structure, premises or place where Aditya Birla Group conducts business. This includes areas such as offices, lunch room, washrooms, and parking lots. The workplace also includes work-related activities, including training sessions, business travel and conferences, work-related social functions, or business performed at any other location away, during or outside of normal working hours. It also include email and on-line communications.

### **What is Harassment?**

The New Brunswick *General Regulations – Occupational Health and Safety Act* defines harassment as:

*any objectionable or offensive behaviour that is known or ought reasonably to be known to be unwelcome, including bullying or any other conduct, comment or display made on either a one-time or repeated basis that threatens the health or safety of an employee, and includes sexual harassment, but does not include reasonable conduct of an employer in respect of the management and direction of employees at the place of employment.*

For the purposes of this Policy, harassment in the workplace includes, in addition to the above definition, **personal and sexual harassment, poisoned work environment and abuse of**

2431543-43 and Conditions of employment and related policies can be updated from time to time. Please contact your HR Department to ensure that you have the correct information pertaining to your situation. Company policies shall not restrict, limit or nullify those rights and obligations specifically granted under the current Collective Agreement(s) however disagreement on the administration of a company policy is not grounds for a grievance or request for adjustment of complaint under any current Collective Agreement(s).

**authority.**

(i) Personal Harassment:

Personal harassment means any objectionable or offensive behavior that is known or ought reasonably to be known to be unwelcome. It includes objectionable conduct, comments, actions or gestures, made either on a one-time or continuous basis, that demean, belittle or cause personal humiliation or embarrassment.

Without limiting the above, personal harassment also includes harassment within the meaning of the New Brunswick *Human Rights Act*, i.e. harassment on the basis of the following prohibited grounds: race, colour, national origin, ancestry, place or origin, creed or religion, age, physical disability, mental disability, marital status, family status, sex, sexual orientation, gender identity or expression, social condition, political belief or activity or any other grounds covered by the New Brunswick *Human Rights Act*.

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

- vandalism of property;
- insulting gestures or unwanted practical jokes which cause embarrassment and humiliation;
- interference with a person's ability to perform their work responsibilities;
- improper communication; and
- refusing to work or interact with an employee.

(ii) Sexual Harassment:

Sexual harassment means any conduct, comment, gesture, contact or display of a sexual nature, whether a one-time incident or a series of incidents:

- that might reasonably be expected to cause offence or humiliation; or
- that might reasonably be perceived as placing a condition of a sexual nature on employment, an opportunity for training or promotion, receipt of services or a contract.

Sexual harassment may include, but is not limited to:

- unwelcome remarks, innuendoes, gestures or taunting about a person's body, attire, appearance or sex;
- sexually suggestive or obscene comments or gestures;
- intentional, unwanted physical contact such as touching, brushing against or pinching;
- unwelcome sexual advances (verbal, written or physical);
- a 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 comments or inquiries about a person's sex life;
- inappropriate touching, leering, staring or sexual flirtations;
- display of sexually offensive pictures or objects; and
- nasty or derogatory remarks or conduct directed toward members of one sex;
- inappropriate jokes of a sexual nature;
- demands for sexual favours;
- sexual assault (also an offence under the *Criminal Code*); and
- any other type of unwelcome sexually oriented conduct.

Sexual conduct is not sexual harassment if it is consensual. However, consent is not valid if it is obtained through threats or promises concerning employment. Also, silence does not necessarily mean consent; a harasser will be liable if they ought reasonably to have known that the comment or conduct was unwelcome.

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(iii) Poisoned Work Environment:

A poisoned work environment is characterized by an activity or behaviour, not necessarily directed at anyone in particular, that creates a hostile or offensive workplace.

Examples of a poisoned work environment include but are not limited to: sexual, racial or religious insults, jokes or graffiti, abusive treatment of an employee and the display of pornographic or other offensive material.

(iv) Abuse of Authority:

Abuse of authority is where an individual improperly uses the power and authority inherent in a position to endanger a person's job, undermine the performance of that job, threaten the person's economic livelihood, or in any way interfere with or influence a person's career. It is the exercise of authority in a manner which serves no legitimate work purpose and ought reasonably to be known to be inappropriate.

Examples of abuse of authority include, but are not limited to, such acts or misuse of power as intimidation, threats, blackmail or coercion.

## **PROCEDURE**

### ***Informal Resolution***

Complainants, supervisors and managers may use the informal complaint procedure to attempt to resolve workplace harassment unless it is inappropriate to do so. The objective of informal resolution is to correct any situation, problem or conflict as soon as possible, in a fair and respectful manner.

If an employee feels that conduct in violation of this Policy has taken place, they are encouraged to politely, but firmly, advise the person involved that such behaviour is unacceptable and unwelcome. The employee should be specific about the behaviour they want stopped. If practical, the employee should have a witness present.

If the discussion fails to resolve the problem or if the employee is uncomfortable raising the matter directly with the person involved, they should talk to their supervisor/manager or the Human Resources Manager, who will assist the employee to determine how best to resolve the matter. Every effort is to be made to resolve the issue between the parties as promptly as possible. Problem resolution mechanisms such as coaching, counselling, facilitation and mediation can in many instances resolve the issue and prevent the situation from escalating to the point where a formal complaint is filed.

Where mediation is an option, the Complainant and the Respondent must both agree on a mediator before mediation can take place. The mediation process must be kept strictly confidential by all participants. Where a resolution is reached, the Complainant and the Respondent must agree in writing to the resolution and the matter will then be considered concluded.

Nothing in the informal procedure prevents a supervisor or manager from recommending that the matter be investigated through the formal procedure or if the informal complaint procedure is not successful from recommending further action.

A supervisor or manager who receives an informal complaint of harassment shall immediately inform the Human Resources Manager.

### ***Formal Complaint Process***

If informal resolution is not successful or is not desired or is not considered appropriate by either party,

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the Complainant may file a formal complaint of harassment with their supervisor or a manager or with the Human Resources Manager. An employee shall report an incident of harassment as soon as circumstances permit. A formal complaint must be in writing and signed. It should give an accurate account of the incident or incidents of harassment including times, places and parties involved, and the names of witnesses, if applicable.

If the complaint is not filed within one year of the alleged circumstances leading to the complaint, it is the discretion of Aditya Birla Group whether or not to investigate the complaint. A complaint that is filed more than one year after the alleged circumstances leading to the complaint may be investigated where exceptional circumstances warrant an extension.

A supervisor or manager who receives a formal complaint of harassment shall immediately provide the Human Resources Manager with a copy of the formal complaint.

When there is a direct reporting relationship between the Complainant and the Respondent, Aditya Birla Group may determine it to be in the best interest of all parties for them to be physically and hierarchically removed from one another for the period of the investigation. If there is no reporting relationship, Aditya Birla Group may determine if the parties should be physically removed from one another for the period of the investigation. Aditya Birla Group shall consider operational requirements, health and safety of individuals and other employment factors in the decision to reassign or relocate either party.

Aditya Birla Group may, upon reviewing the written complaint and interviewing the Complainant, determine whether the Complainant has established a *prima facie* case of harassment that warrants further investigation. Aditya Birla Group shall inform the Complainant whether or not an investigation will be pursued and may take action to resolve the issue.

If Aditya Birla Group determines that a *prima facie* case of harassment has been established which warrants further investigation, the Respondent shall be notified in writing that a formal complaint has been made against them. The Respondent shall be provided with a summary of the allegations that have been made against them.

In the event that Aditya Birla Group determines an investigation is warranted they shall investigate, or appoint an investigator to investigate, the complaint in a confidential and expeditious manner.

The investigation will include interviewing the Complainant, the Respondent and any potential witnesses to the alleged harassment. The Complainant, the Respondent and any witnesses have the right to be accompanied by a person of their choice (unrelated to the complaint) during the interview. The investigator shall gather and analyze the information and summarize the findings, which shall include whether the allegations contained in the complaint are substantiated, in whole or in part, or unsubstantiated. The investigator shall report their findings to the Human Resources Manager.

Any complaints will be handled on a confidential basis and there will be no reprisals against anyone making a complaint of harassment in good faith.

### ***Outcome of the Investigation***

Both the Complainant and the Respondent will be informed in writing when the investigation is complete. Both the Complainant and the Respondent will be advised as to whether the allegations were substantiated, in whole or in part, or unsubstantiated.

If a complaint is found to be substantiated, in whole or in part, Aditya Birla Group will review the findings of the investigator as well as the personnel file of the employee found to have engaged in harassment, to determine the appropriate corrective measure(s), which may include disciplinary action, up to and including termination.

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Aditya Birla Group will conduct a follow-up with the Complainant after the conclusion of the matter to ensure that no further issues have occurred.

### ***Bad Faith Complaints***

A person who files an unsubstantiated complaint under this Policy that involves a deliberate falsehood or malicious intent or is otherwise made in bad faith, as determined by the investigator, shall be subject to appropriate disciplinary action.

### ***Other Options***

(i) Complaints to the New Brunswick Human Rights Commission

Discrimination in employment is covered under the New Brunswick *Human Rights Act*. Complaints of discrimination may be filed with the New Brunswick Human Rights Commission within one year from the time the incident occurred and are investigated by the New Brunswick Human Rights Commission. For more information, contact the New Brunswick Human Rights Commission.

(ii) Complaints under the Criminal Code

Sexual assault and other forms of assault are covered under the *Criminal Code*. In these instances, the police may lay criminal charges. Sexual assault and other forms of assault are serious criminal offenses that should be reported to the police.

## **RESPONSIBILITIES**

### ***Confidentiality***

Aditya Birla Group shall not disclose the name of a person who is involved in an incident of harassment, or the circumstances relating to the incident, other than where the disclosure is:

- necessary in order to investigate the incident;
- required in order to take corrective measures in response to the incident; or
- required by law.

The personal information that is collected, used or disclosed by Aditya Birla Group pursuant to this Policy shall be the minimum amount necessary for the purposes of this Policy.

Records of a formal complaint and any supporting documentation will be kept in the employee relations files and can only be accessed by the Human Resources Manager, and those that need the file for investigative purposes. Only in the event of discipline will any record of the complaint be kept in the applicable personnel file.

### ***Training***

Aditya Birla Group shall provide all employees with training in relation to this Policy. Aditya Birla Group shall keep training records for each employee in relation to the training they received in relation to this Policy.

### ***Policy Review***

This Policy shall be reviewed once a year in consultation with the Joint Health and Safety Committee.

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<b>Cross Reference</b>		
<b>Policies</b>	Code of Conduct Conflict Resolution Corrective Action Equal Employment Opportunities Open Door Social Activities Code of Practice (Harassment & Violence)	
<b>Forms</b>	ABG Corrective Action Form Harassment Investigation Form Reporting Harassment Form Investigation Report Checklist Investigation Report Form Investigation Notice Form Investigation Conclusion-Action Notice Form	

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