

5.7 Duty to Report Policy

Intent

The employer is committed to integrity and ethical behaviour in the workplace, and will foster and maintain an environment where employees can work safely and appropriately, without fear of retaliation.

This policy has been adopted to ensure that all employees understand that they may report any wrongdoing that may adversely impact the employer, guests, shareholders, employees, investors, or the public at large, without fear of retaliation or concern that making a report will negatively impact their employment status. Reports of workplace wrongdoing may be made to management anonymously.

Scope

This policy applies to all employees always and without exception.

Unionized employees are requested to refer to their current Collective Agreement for specific information pertaining to their duty to report. Where a Collective Agreement is silent on the issue, this policy shall dictate duty to report requirements for unionized employees. In situations where the directions of this policy cover issues also in the Collective Agreement, the Collective Agreement will be the final authority.

Guidelines

Individuals who believe they have witnessed an act or acts of wrongdoing should report the incident(s) immediately to management. Any delays in reporting acts of wrongdoing can make the case more difficult to establish. However, the employer is aware that timely responses may not always be possible so individuals who believe that they have witnessed workplace wrongdoing should lodge a complaint within one week following an alleged incident. Under extreme circumstances, this timeline may be extended to one month at the request of the complainant; however, it is the responsibility of the complainant to show good reasons for this extension.

It is a violation for anyone to knowingly make a false complaint of wrongdoing or to provide false information about a complaint. Individuals who violate this policy are subject to disciplinary and/or corrective action, up to and including termination of employment.

Management is directed to take all appropriate steps to prevent and stop wrongdoing in their areas of responsibility. Management representatives who are subjected to, witness, or are given written or oral complaints of wrongdoing or retaliation shall immediately report it to their general manager. General management will report directly to the President. Delays in reporting may be unavoidable in some circumstances (to be determined on a case-by-case basis) but should occur as soon as possible.

This policy encourages employees to freely express their thoughts, opinions, and feelings regarding workplace wrongdoing. Retaliation by the respondent or anyone acting on their behalf, against the complainant or a witness is strictly prohibited and will result in appropriate disciplinary action. Acts of retaliation include, but are not limited to, interference, coercion, threats, and restraint.

Once a complaint has been made to management, a confidential meeting will be held to determine the facts from the complainant's perspective. During this discussion, management will explain all options available to the complainant. If the complainant wishes to proceed further with his or her complaint, the complainant must then provide a written statement regarding the alleged workplace wrongdoing.

Management may notify the respondent of the complaint, keeping all such communication confidential. Management may then implement whatever steps necessary to create an informal resolution that is acceptable to both the complainant and respondent.

Management is responsible for:

- Determining the validity of allegations of wrongdoing or retaliation.
- Determining whether a reported act is indeed wrongdoing.
- Administering punitive or corrective actions if allegations are true.
- Administering punitive actions if allegations were knowingly falsely made.
- Ensuring the completed report is put into the employee's files and,
- The appropriate policy is updated to prevent a reoccurrence.

In more serious work place wrong doings, the respondent will have two working days to respond, in writing, to the allegation. The respondent's statement must provide specific responses to each complaint, either admitting, denying, or explaining the allegations against them. The respondent must sign his or her statement, which will then be attached to the original complaint.

If a formal hearing is warranted, it will be held within ten business days after receiving the formal complaint. Dependent on the outcome of the hearing, external parties (police, lawyer) may become involved in the matter. Where necessary, investigations will be conducted, and the appropriate actions taken no later than ten business days following the filing of a complaint or at the completion of the investigation, whichever is sooner.

Wherever and whenever investigations are conducted, this policy asserts that complainants and respondents have certain rights including, but not limited to:

- Receiving written notice of the allegations (where permitted by law).
- Having a thorough and objective investigation properly completed.
- Receiving a copy of the report after the investigation (where permitted by law) which will include a statement regarding all findings that have been proven, and a statement of decision on whether the policy has been violated. The report shall be presented for review to any/all authorities and/or legal counsel, as appropriate.

The employer will do everything it can to protect the privacy of the individuals involved and to ensure that the complainant and the respondent are treated fairly and respectfully. The employer will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law.

Upon concluding that an instance of workplace wrongdoing has indeed occurred, the respondent will be subject to disciplinary action, which may result in suspension of duties, or termination of employment and possible legal action depending on the severity of the action. Disciplinary actions imposed by management will be determined based on the facts of each case and the extent of harm to the employer's staff, interests, property and business goals.

Records of all formal and informal resolutions, hearings, and reviews will be kept in the personnel files of the employees involved in the investigation. The records will only be available to managerial members of the appropriate department, and only in the following circumstances:

- When determining an appropriate disciplinary action for a complaint of a subsequent wrongdoing.
- When a respondent is a candidate for promotion to a supervisory position.
- When a complaint against retaliatory action is made.



- When a decision or resolution is reviewed.

Any records concerning employees will be maintained in accordance with all applicable laws and regulations. Both the complainant and the respondent are eligible to obtain copies of hearings or of their own statements made throughout the course of the remediation process.