

## **ZOOMERMEDIA LIMITED** **RESPECT AND DIGNITY IN THE WORKPLACE**

### **INTRODUCTION**

All employees of ZoomerMedia Limited and its subsidiaries, (“ZoomerMedia” or “the Company”) are entitled to work in an environment that is free from all forms of discrimination, harassment or bullying.

This Policy applies to all those working for the Company, including any full-time, part-time, probationary, temporary and casual worker as well as volunteers and students, contractors who are providing their services to the Company and Directors of the Company.

The Policy will act as a guide to employees in adhering to legal and social guidelines regarding the recognition and prevention of discrimination, violence, harassment, sexual harassment and bullying.

### **ACCOUNTABILITY**

Accountability for ensuring compliance with the provisions of this policy rests with the Chief Financial Officer.

Staff are expected to:

- Familiarize themselves with this policy;
- Ask their supervisor for clarification if they have questions;
- Refrain from workplace misconduct as defined in this policy; and,
- Help promote a positive and productive workplace.

It is the responsibility of management to:

- Foster a positive and productive workplace;
- Ensure that individuals under their supervision receive adequate information on the policy;
- Investigate reported instances of discrimination, violence, harassment, sexual harassment and/or bullying in a timely manner;
- Ensure that an appropriate investigation is conducted when management becomes aware of incidents of discrimination, violence, harassment, sexual harassment and/or bullying, regardless of whether the conduct is reported;
- Maintain confidentiality in the investigation process and any reports; and,
- Take the appropriate action once the investigation is concluded.

### **APPLICATION AND SCOPE**

The policy is applicable whenever a person:

- Carries out duties or conducts business on behalf of the Company;
- Represents the Company on committees or at work related events / conferences; and/or,
- Attends work-related functions.

Locations and situations covered by this policy include, but are not limited to:

- The Company's offices and worksites;
- Other buildings or premises under the jurisdiction of the Company;
- Company vehicles;
- Social functions sanctioned by or under the jurisdiction of the Company, whether held at Company offices or facilities or at other locations approved by the Company;
- Work-related travel outside of Company facilities; and,
- Misconduct that occurs by electronic means (e-mail, telephone, voice mail, internet, or fax) or written communication.

## **DEFINITIONS**

### **1. Protected Grounds**

The grounds are set out in the Ontario Human Rights Code and include race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences (a conviction in respect of which a pardon has been granted), marital status, family status, disability or any other ground protected at law.

### **2. Discrimination**

**Discrimination:** Means any form of unwelcome verbal or physical conduct based on a protected ground where submission to such conduct:

- Is made either implicitly or explicitly a condition of employment;
- Is used as a basis for any employment decision including but not limited to, matters of promotion, raise in salary, job security or benefits affecting the employee; and/or,
- When such conduct has the purpose or the effect of interfering with the person's work performance or creating an intimidating, hostile or offensive work environment.

**Discrimination because of association:** Means discrimination or harassment directed at a person based on their association with an individual or group that is being discriminated against or harassed. It includes actions taken against a person who has objected to discriminatory comments aimed at another individual or group.

### **3. Workplace Harassment (including Bullying)**

Harassment in the workplace means, 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. Workplace harassment includes any verbal, written or physical behaviour or conduct that is offensive, threatening, intimidating or abusive in nature and that is unwelcome, unreciprocated and uninvited. The following are examples of workplace harassment:

- the use of unacceptable language in the workplace;
- spreading of malicious gossip or rumours;
- inappropriate jokes, whether spread verbally or otherwise;
- public ridicule (which includes belittling a person, unfounded criticism, denigrating a person's opinion); and/or,

- refusing to deal with a person, ignoring their presence, requiring them to do humiliating or useless tasks or not giving them work to do.

In order to determine whether or not harassment has occurred, each situation must be examined reasonably and objectively, based on its specific facts and having regard for the workplace setting and culture.

#### **4. Sexual Harassment**

Sexual harassment means: (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 may be verbal, physical or visual. It is unsolicited and unwelcome behavior and can take many forms including, but not limited to:

- Repeated suggestive remarks, innuendoes, jokes of a sexual nature, or compromising invitations;
- Verbal abuse of a sexual nature;
- Repeated unwanted social invitations or proposals for sexual intimacy;
- Displays of offensive pictures of a sexual nature or pornographic materials; and,
- Physical contact like touching, patting, pinching, rubbing or brushing against.

#### **5. Workplace Violence**

Workplace violence means: (a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker; (b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; or (c) a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Examples of violence in the workplace:

- threatening to harm another person;
- assaulting another person (sexually or otherwise); and,
- intimidation causing fear or anxiety.

ZoomerMedia maintains a zero tolerance policy for all acts of violence in the workplace, whether they are verbal, written or physical. If you have been subjected to workplace violence, immediately report the matter to management.

It is up to each employee to report any threat or act of violence.

#### **6. Examples of what does NOT constitute discrimination, harassment or bullying**

- Nothing in this document should be construed to prevent legitimate criticism of inadequate work or the passionate expression of commitment in pursuit of excellence.
- Workplace conflict in itself does not constitute harassment, but could turn into harassment

if a pattern develops or no steps are taken to resolve the conflict.

- Normal exercise of management's right to manage, such as the day-to-day management of operations, performance at work or absenteeism, the assignment of tasks and the application of progressive discipline, up to and including termination of employment is not workplace harassment.
- Difficult conditions of employment, professional constraints, and organizational changes is not workplace harassment.

## **COMPLAINT PROCEDURE**

### **Discrimination or Harassment**

#### **Step 1**

- *Ask the person to stop.* Although this may be difficult to do, telling the person that you do not like their actions is often enough to stop the behaviour. If you are not comfortable with approaching the person go to Step 2.
- If it is someone who is not a worker, e.g. a customer, supplier, etc., report the incident to your Supervisor immediately.

#### **Step 2**

- If the behavior does not stop, bring the complaint immediately to the attention of your immediate Supervisor and Human Resources. If your supervisor is the alleged harasser you may report the incident of harassment to any other member of management or Human Resources.
- Any formal written complaint filed by a worker must contain:
  - name(s) of the respondent(s) to the complaint;
  - the date or dates of the incident(s);
  - location(s) of the incident(s);
  - details of the incident(s); and,
  - names of any witnesses.

#### **Step 3**

- Keep a record of the incident(s) involved in the complaint including dates, location, witnesses, your response to the individual and any other pertinent information.
- If allegations are made against you, keep a record of your version of the alleged incident. If you believe the complaint is unfounded or made in bad faith, discuss the matter with your immediate Supervisor or with Human Resources.

#### **Step 4**

- Human Resources will investigate all reports and incidents of harassment. The investigation conducted will be appropriate in the circumstances; the exact nature of the investigation will depend on the particulars of the allegation. To the extent possible, the investigation will be conducted in a timely manner and the resolution will be implemented, if necessary, as soon as possible.

- Effective temporary measures will be implemented if necessary.

## **General**

- In general, the complainant will be advised that the respondent has a right to know who is making allegations against him/her and will be provided with a copy of the written complaint for response.
- Interfering with a workplace investigation; intimidating a complainant, respondent or witness; or, influencing a person to give false or misleading information is also a breach of this Policy which will result in discipline.
- Confidentiality, including identifying information about any individuals involved, will be maintained at all times except where the disclosure of names is necessary for the purpose of investigating the complaint, when taking any action in relation to the complaint, or where disclosure is required by law.

## **NO REPRISAL**

This policy prohibits reprisals against individuals, acting in good faith, who report incidents of misconduct or participate in the investigation process. ZoomerMedia will take all reasonable and practical measures to prevent reprisals or threats of reprisal. Reprisal is defined as any act of retaliation, either direct or indirect.

## **FORMAL INVESTIGATION PROCEDURE**

1. In general, Human Resources or a designated investigator will undertake an investigation immediately and all reasonable steps will be taken to resolve the problem.
2. Individual interviews with the complainant, the respondent and any witnesses may be held. If you are interviewed, you may have a co-worker or other support person present with you as an observer at the meeting.
3. If the investigation reveals evidence to support a breach of this Policy, appropriate measures will be taken. These may include disciplinary action up to and including dismissal.
4. The complainant and the alleged aggressor, if he or she is an employee of ZoomerMedia, will be advised in writing of the results of the investigation and any corrective action that has been taken or will be taken as a result of the investigation. If it is determined that an allegation of harassment is valid, appropriate corrective action will be taken.
5. If the accused is disciplined, the incident will be documented and filed in their personal Human Resources file.
6. If the investigation fails to find evidence to support the complaint, no documentation will be placed in the accused party's personal Human Resources file.
7. Individuals who make complaints in good faith will not have their employment affected in any adverse manner.
8. Where the complaint is determined to be abusive, frivolous, vindictive, or made in bad faith, the Company will take appropriate action against the complainant, which may include discipline up to and including dismissal.

**\*\*\* THE ABOVE POLICY HAS BEEN REAFFIRMED BY THE BOARD OF DIRECTORS ON APRIL 26, 2017 \*\*\***