



**Title:** Workplace Harassment and Violence Prevention Policy  
**Version:** 3.0  
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1.0	May 28, 2021	SQT	Created
2.0	September 15, 2021	SQT	Added bullet points in section 20. Added list of investigators and conciliators to Appendix B, added emergency response scenarios as Appendix D
3.0	February 04, 2022	SQT	Updated Designated recipient names, added Clearview Connects number to Section 13 and to Contacts Appendix

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## 1. PURPOSE

Squamish Terminals (the “Company”) is committed to preventing occurrences of harassment and violence, and physical or psychological injuries or illnesses. The Company is committed to providing a work environment in which all Employees, Contractors, Visitors and Customers are treated with respect and dignity, a workplace which is free from all forms of harassment and violence, including harassment or violence of a sexual nature or which is based on a Protected Ground established in the Canadian Human Rights Act.

This policy seeks to prevent and respond to workplace harassment and violence of any type, and effectively address any incident that might occur.

## 2. PROHIBITED CONDUCT

All occurrences of harassment and violence within the scope of this policy are strictly prohibited. In addition, reprisal against anyone who, in accordance with this policy, reports an alleged occurrence of harassment and violence, or who participates in an investigation into harassment and violence, is also strictly prohibited.

Any Employee who breaches this policy may be subject to discipline (in accordance with their Collective Bargaining Agreement (CBA), if applicable), up to and including termination of employment. Furthermore, all individuals and organizations must keep confidential all information received about an occurrence or alleged occurrence of harassment and/or violence, except as expressly set out in this policy.

## 3. APPLICATION OF THIS POLICY

This policy applies to all Employees, Contractors, Visitors, and Customers at the Company or who are engaged in work, work-related activities and/or work-related relationships both on Company property and outside of Company property. This policy applies to all occurrences of workplace harassment and violence, including sexual harassment and sexual violence, family violence and third-party violence.

Note: This policy applies to all Employees, defined as:

- Union Employees, employed directly by the Company or dispatched to work for the Company; and
- Non-union Employees including Management

### 3.1 Collective Agreement Application

Nothing in this policy shall be interpreted as restricting or altering the rights of the parties under their respective collective agreement.

## 4. DEFINITIONS OF HARASSMENT AND VIOLENCE

### 4.1 General Definition of Harassment and Violence

The Canada Labour Code (the Code) defines harassment and violence at subsection 122(1) as “any action, conduct or comment, including of a sexual nature that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an Employee, including any prescribed action, conduct or comment.”

#### **HARASSMENT**

Harassment can include, but is not limited to any of the following acts or attempted acts:

- Spreading rumours or gossip about an individual or group
- Cyber bullying (threatening, spreading rumours, or negatively talking to or about someone online)
- Threats made over the phone, by email, or through other medium to an Employee, including from an (ex)partner or family member
- Making offensive jokes or remarks
- Playing unwanted practical jokes, including hazing and other pranks
- Socially excluding or isolating someone
- Unwanted remarks about a person’s body, clothes, or appearance
- Stalking or inappropriately following a person
- Tampering with someone’s work equipment or personal belongings, or impeding a person’s work in any deliberate way
- Vandalizing or hiding personal belongings or work equipment
- Persistently criticizing, undermining, belittling, demeaning or ridiculing a person
- Misusing authority or creating hardship or targeting an individual or group, including:
  - Arbitrarily changing work guidelines
  - Restricting information or setting impossible deadlines that will lead to failure
  - Blocking applications for leave, training, or promotion in an arbitrary manner
  - Intruding on a person’s privacy
  - Intruding on a person’s personal space
  - Public ridicule or discipline
  - Unwelcome physical contact
  - Sexual innuendos/insinuation
- Unwanted and inappropriate invitations or persistent invitations, gifts, messages, calls, or requests, including of a sexual nature
- Displaying offensive posters, cartoons, images or other visuals
- Engaging in any of the actions, conduct and comments outlined above against a person because of that person’s race, nationality or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability or any of the other prohibited grounds that are listed in the Canadian Human Rights Act

- Using workplace resources (i.e., the work email, phone, computer, etc.) to stalk or intimidate an (ex)partner or other third party
- Making aggressive, threatening, or rude gestures
- Retaliation of any kind (e.g., in the forms of threats, punitive or disciplinary action, bribery, etc.) for submitting a notice of occurrence.

## **HARASSMENT IS NOT**

Harassment is not any of the following:

- Consensual workplace banter and interactions (unless the banter includes hurtful remarks about others or causes offence, humiliation, or other physical or psychological injury or illness, especially if they pertain to any of the prohibited grounds listed above)
- Reasonable Management action carried out in a fair way, such as day-to-day actions by a supervisor or Manager related to performance, absenteeism, assignments, discipline, workplace inspections, implementation of health and safety measures, and dismissal – as long as it is not abusive or discriminatory
- Workplace disagreements, although if a conflict is poorly handled or left unresolved, it can lead to harassment.

## **VIOLENCE**

Violence may include but is not limited to the following acts or attempted acts:

- Verbal threats or intimidation
- Verbal abuse, including swearing or shouting offensively at a person
- Contact of a sexual nature
- Sexual assault
- Kicking, punching, scratching, biting, squeezing, pinching, battering, hitting or wounding a person in any way
- Attack with any type of weapon
- Spitting at a person
- Homicide.

## **4.2 Other Definitions**

For the purposes of this policy:

- a) **Code** means the Canada Labour Code, as amended
- b) **Committee** means the Workplace Health and Safety Committee
- c) **Company Employees** includes ILWU members employed directly by the Company or dispatched to work for the Company, and non-union supervisors, Managers, administrators, and all other staff members.
- d) **Designated Recipient** means a work unit or person in a workplace that is designated by an Employer to receive notices of occurrence.
- e) **Customers** are non-Employees of the Employer such as, but not limited to Contractors, Truck Drivers, Delivery Drivers, Vessel Super Cargos and Cargo Expeditors
- f) **Regulation** means the Workplace Harassment and Violence Prevention Regulations, as amended

- g) **IPG** means Interpretation, Policies and Guidelines of the Regulation
- h) **Principal Party** means an Employee or Employer who is the object of an occurrence.
- i) **Protected Ground** means an individual's race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.
- j) **Responding Party** Means the person who is alleged to have been responsible for the occurrence in a notice of occurrence provided
- k) **Witness** is a person who witnessed an occurrence or is informed of an occurrence by the Principal Party or Responding Party.
- l) **Workplace** means any place where an Employee is engaged in work for the Employee's Employer as per 122(1) of Code.
- m) **Notice of Occurrence** is a report, complaint, or notification of an occurrence under this policy.
- n) **Occurrence** is an occurrence of harassment and/or violence.
- o) **Person Designate** is designated by the Employer to receive complaints alleging Employer's failure to fulfill the requirements of the Regulation or Code relating to a notice of occurrence.

## 5. ROLE OF THE COMPANY

The role of the Company in relation to harassment and violence in the workplace includes:

- Committing to the prevention of harassment and violence in the workplace
- Ensure that each individual involved in the joint role of the Company and Committee is qualified to do so by virtue of their training, education or experience
- Make this policy available to all Company Employees
- Make the Emergency Procedures available to all Company Employees (Appendix D)
- Ensure that every Company Employee is provided with training as required by this policy and the Regulation
- Designate a person or work unit as the Designated Recipient
- Ensure that the Designated Recipient is provided with the requisite training prior to assuming their duties under the Regulation
- Ensure that the Designated Recipient perform their duties as prescribed in the regulations and this policy
- Make available to all Company Employees information concerning support measures in their geographical area
- In the case of a completed investigation into an occurrence, provide a copy of the investigator's report to the Principal Party, Responding Party, and the workplace committee
- Jointly determining with the workplace committee which recommendations from the investigator's report should be implemented
- Implement all recommendations that were jointly determined with the Committee
- Ensure that the resolution process is completed within a year after the day a notice of Occurrence is received, subject to temporary absence of a Principal Party or Responding Party from work as set forth in the Regulation

- Jointly reviewing and, when necessary, updating this policy with the workplace committee at least once every three years or following any change to an element of this policy
- Jointly conducting a workplace assessment with the workplace committee, and jointly monitoring, reviewing, and updating as necessary and required by code.
- Jointly developing emergency procedures with the workplace committee (Appendix D). After each implementation jointly reviewing and, when necessary, updating the emergency procedures with the workplace committee
- Deploying the workplace emergency procedures whenever an incident, including an incident of family violence/domestic violence, poses an immediate danger to the health and safety of an Employee or there is a threat of such an incident
- Jointly developing or identifying harassment and violence prevention training with the workplace committee to be delivered to all Employees, Employers and Designated Recipients.
- Jointly reviewing and, when necessary, updating the training with the workplace committee at least once every three years and following any change to an element of the training
- Reporting occurrences of harassment and violence that result in a fatality to the Minister of Labour within 24 hours of being notified of an occurrence
- Providing the Minister of Labour an annual report that aggregates data on all occurrences of harassment and violence by March 1<sup>st</sup> of every year
- Complying with all other aspects of the Regulations and the Code as it relates to harassment and violence.

## **6. ROLE OF WORKPLACE COMMITTEE**

The role of the workplace committee in relation to harassment and violence prevention includes:

- Jointly developing and reviewing, when necessary, updating this policy with the Company at least once every three years or following any change to an element of this policy.
- Jointly conducting the workplace assessment and making recommendations to the Company regarding preventative measures
- Jointly conducting a workplace assessment and jointly monitoring, reviewing, and updating every three years or as necessary and required by code.
- Jointly developing emergency procedures (Appendix D) to be implemented if an Occurrence or a threat of an Occurrence poses an immediate danger to the health and safety of a Company Employee
- Jointly reviewing after each implementation and when necessary, updating the emergency procedures
- Jointly identifying appropriate harassment and violence training
- Jointly reviewing and, when necessary, updating the training at least once every three years and following any change to an element of the training.
- Jointly developing or identifying a list of investigators for harassment and violence complaints with the Company (Appendix B)
- Where appropriate, checking in with the Company, if necessary, with a view to compliance with the Regulations and the Code

- Jointly determining with the Company which of the investigator's recommendations from the investigator's report are to be implemented.

## **7. ROLE OF EMPLOYEES**

The role of all Employees in relation to harassment and violence prevention at the Company include:

- Refraining from perpetrating harassment and / or violence
- Take the harassment and violence prevention training as jointly identified
- Reporting all occurrences of harassment and violence to their supervisor or the Designated Recipient when they experience or witness harassment and / or violence
- If the Principal Party or the Responding Party is the Employer, the notice must be provided to the designated recipient
- Where appropriate, making every reasonable effort to resolve an occurrence through negotiated resolution process
- Cooperating with an investigator and the investigation process if involved in an investigation of an occurrence
- Refraining from retaliatory behaviour against the Principal Party, Responding Party, witnesses and any other individuals who are involved in the resolution process for an occurrence
- Respecting the confidentiality of the information shared throughout the resolution process of an occurrence.

## **8. ROLE OF DESIGNATED RECIPIENT**

The Designated Recipient will:

- Receive all notices of Occurrences when the Company is the Principal Party or Responding Party and all other Occurrences reported to them in accordance with this policy
- Conduct an initial review of every Notice of Occurrence
- Following the initial review, the occurrence is deemed to be resolved if the notice does not contain the name of the Principal Party or does not allow their name to be determined.
- Contact the Principal Party as per the Regulation within seven (7) days of receiving a notice of Occurrence
- Contact the non-anonymous Witness within seven (7) days of receiving a notice of Occurrence in order to confirm receipt
- Provide the Responding Party with all required information as per the Regulation upon first contact
- Inform Principal Party, Responding Party, and witnesses of their right for (union/non-union) representation under the code
- Initiate negotiated resolution with the Principal Party within 45 days after the day on which the notice of an occurrence is received
- Conduct a review of every notice of an occurrence with the Principal Party against the definition of harassment and violence outlined in the Code and/or regulations, and in this policy
- Make every reasonable effort to resolve an occurrence of harassment and violence for which a notice of an occurrence is provided



- Initiate conciliation if the Principal and Responding Party agree to participate in conciliation and agree on who is to facilitate the conciliation
- Provide notice of investigation to the principal and responding parties if an investigation is requested by the Principal Party
- In the case of an investigation, selecting a person to act as an investigator from the list of investigators developed or identified jointly by the Company and workplace committee
- Ensuring that the investigator selected for an investigation possesses the necessary knowledge, training and experience required by the Regulations
- Ensuring that the investigator has provided a written statement to designated recipient, Principal Party, and Responding Party indicating that they are not in a conflict of interest with respect to the occurrence
- Providing the investigator with all the information that is relevant to the investigation
- Providing at minimum monthly status updates to the Principal and Responding Party on the status of the resolution process
- End the resolution process as per the request of the Principal Party
- Initiate an investigation of the occurrence if the occurrence is not resolved by reasonable efforts and/or the Principal Party requests an investigation.

## **9. FACTORS THAT CONTRIBUTE TO WORKPLACE HARASSMENT AND VIOLENCE**

There are a number of factors that can contribute to workplace harassment and violence. These factors can be divided into four general categories: customer characteristics, work environment, job factors and other external factors.

Please see Appendix C for Workplace Assessment/Preventative Measures Plan.

## **10. WORKPLACE ASSESSMENTS**

The Company and the Workplace Committee will jointly conduct a workplace assessment to determine risk factors for harassment and violence, and to develop and implement preventative measures related to harassment and violence. Additionally, the Company and Workplace Committee will jointly monitor the workplace assessment and update the assessment as required, such as when risk factors have changed, or a change compromises the effectiveness of a preventative measure. Further, the Company and Workplace Committee will jointly review the assessment every three years and, if necessary, update it.

A review, and update if necessary, to the workplace assessment must be conducted when resolution procedures outlined in this policy cannot proceed because the Principal Party to the complaint chooses to remain anonymous. A workplace assessment must also occur at any time when an Occurrence:

- Is not resolved by negotiated early resolution,
- A Principal Party chooses not to proceed with the resolution process
- The Responding Party to the complaint is not an Employee or the Company.

The purpose of the review and update of the workplace assessment is to:

- Determine what happened, taking into account the circumstances of the occurrence
- Determine whether all risk factors have been appropriately identified
- Develop new preventive measures, if needed, to mitigate the risk of a similar occurrence.

## **11. EMERGENCY PROCEDURES**

Emergency procedures must be available at all sites to be implemented when an occurrence poses an immediate danger to health and safety of an Employee, or which poses a threat of such occurrence.

The Emergency Procedures must be jointly developed after each time they are implemented, reviewed, and if necessary updated. Those procedures can include but are not limited to:

1. Violence, sexual violence, domestic violence
2. Hazardous threats by a person
3. Bomb Threats

Company Employees may also report suspected criminal activity to law enforcement. For emergencies or instances where bodily harm is reasonably an issue, Company Employees should contact law enforcement by dialing 911. For non-emergency situations, Company Employees can contact local law enforcement.

Emergency contact information for the Company is: Darcy Hinds, Director, Health & Safety, Quality & Environment, 604-904-2852 dhinds@westeve.com. Please see Appendix A for location specific emergency response contact list.

Please see Appendix D for emergency response procedures.

## **12. TRAINING**

The Company will ensure that all of its Employees receive jointly developed training on harassment and violence prevention. The training must be specific to the culture, conditions and activities of the waterfront industry, and include:

- Elements of the workplace harassment and violence prevention policy
- The relationship between harassment and violence and the Protected Ground(s) of discrimination set out in the Canadian Human Rights Act
- How to recognize, minimize, prevent and respond to workplace harassment and violence.

All training will be provided within three (3) months of hire or, for current Employees, within one (1) year of the specified enforcement date of January 1, 2021, and thereafter at least every three (3) years, or following any update to the training. Training will also be provided as reasonably needed if an Employee is involved in an Occurrence, the Employee performs a new role that materially increases the risk of harassment and violence.

The Company will provide all individuals appointed as Designated Recipients with jointly developed training on harassment and violence and their specific duties prior to assuming their duties under the Regulation, and thereafter at least every three (3) years.

All training will be jointly reviewed and updated if necessary, at least once every three (3) years and following any change to an element of training

### **13. REPORTING AND ADDRESSING HARASSMENT AND VIOLENCE**

Below is a summary of the resolution process and how a Principal Party or witness can submit a notice of an occurrence.

Employees or non-Employees who experience or witness harassment and / or violence in the workplace must notify the designated recipient or the Company.

A Principal Party or witness may, orally or in writing provide the Company or the designated recipient with notice of occurrence. Unionized Employees may also report harassment and violence to their union representatives. All reports of occurrence given to the Company or union representatives must be forwarded to the Designated Recipient.

#### **How to Report Harassment and Violence**

A Principal Party or Witness may report a Notice of Occurrence to:

- the Designated Recipient
- any Company Manager
- to the confidential reporting line.

Reports may be made anonymously.

#### **Designated Recipient**

The Company has designated the following individuals to receive complaints of harassment and violence:

- Primary Designated Recipient: Rick Dervisevic, Manager, Employee Relations, 604-904-2873, [dr@westeve.com](mailto:dr@westeve.com)
- Alternate Designated Recipient: Jeanette O'Brien, Director Human Resources, Administration and Community Relations, 604-904-2873, [dr@westeve.com](mailto:dr@westeve.com)

#### **Confidential Call Line**

(Information is passed onto the Designated Recipient)

Clearview Connects 1-866-889-1932

Reports of a Notice of Occurrence should be made in writing or verbally. A report of an Occurrence should include the following information:

- The name of the Principal Party, if known
- The name of the Responding Party, if known
- The date of the occurrence
- A detailed description of the Occurrence

If an Employee or individual is not able to provide this information in written form, they may provide this information to the Designated Recipient orally, who will then transcribe the information for them on the form.

A reporting Witness who is not anonymous will be notified of receipt of the report, within seven (7) days after the day the report is received by the Designated Recipient or Company Manager. A former Employee may make a complaint or report up to three (3) months after employment has ended with the Company.

Within seven (7) days after the day on which Notice of Occurrence is provided the Designated Recipient, the Principal Party will:

- Be notified that the reported notice of occurrence has been received or they have been named or identified as the Principal Party in a notice provided by a witness, as the case may be
- Be informed on how to access this policy
- Receive explanation regarding the steps of the resolution process
- Be informed that they may be represented during all steps of the resolution process.

On the first occasion that the Responding Party is contacted by the Company or Designated Recipient regarding the reported allegation, the Responding Party will:

- Be informed that they have been named or identified as the Responding Party in the notice of an occurrence
- Be informed on how to access this policy
- Receive explanation regarding the steps of the resolution process
- Be informed that they may be represented during all steps of the resolution process.

A Notice of Occurrence can be addressed in four phases. A Principal Party, Responding Party, or witness may be accompanied or represented by a union representative, friend, partner, colleague, or person of their choosing, at any time during the resolution process.

## **1. Initial Review**

The first phase of the resolution process is the initial review. The Designated Recipient will conduct an initial review to determine whether the Notice of Occurrence includes all the required information. If the report does not contain the name of the Principal Party or allow the identity of the Principal Party to be determined, the Occurrence will be deemed to be resolved following the initial review.

## **2. Negotiated Resolution**

Negotiated resolution is a form of informal resolution where the Principal Party meets with the Company or designated recipient to discuss the occurrence, clarify what was submitted in the notice of occurrence, and attempt to reach resolution.

Negotiated resolution is mandatory for all those who wish to proceed with the resolution process.

During this phase the Principal Party, the Company/Designated Recipient and Responding Party (if contacted) will make every reasonable effort to resolve the occurrence. The Responding Party does not have to be informed of the Principal Party's notification or be involved in the early resolution at this stage of the resolution process if the Principal Party does not wish for the Responding Party to be notified and/or involved. The Company or Designated Recipient must initiate negotiated resolution within forty-five (45) days of when Notice of Occurrence was provided.

During negotiated resolution, the Principal Party will be asked to meet, either in person or by phone, with the Designated Recipient for an initial discussion regarding the occurrence. During this discussion, the Designated Recipient and the Principal Party will review the notice of occurrence that was provided against the definition of harassment and violence in the Code and try to make a joint determination as to whether the occurrence meets the definition. If both the Designated Recipient and the Principal Party agree that the occurrence does not meet the definition, then the occurrence will be deemed resolved. If the Designated Recipient and the Principal Party do not agree as to whether the occurrence meets the definition, and the Principal Party wishes to continue with the resolution process, then the Principal Party has the option of either continuing with negotiated resolution or pursuing conciliation and/or an investigation.

The Company will seek clarification, if necessary, regarding the details of the occurrence and what the Principal Party is seeking in terms of resolution.

The Designated Recipient will schedule a series of meetings with the Principal Party and, where applicable, the Responding Party, to discuss the occurrence and attempt to achieve resolution. The Responding Party does not have to be informed of the Principal Party's notice of occurrence or be involved at this stage of the resolution process if the Principal Party does not wish for them to be notified and/or involved. The Designated Recipient will arrange for the necessary meetings to take place.

### **3. Conciliation**

A Principal Party and Responding Party may engage in conciliation at any time during the resolution process. However, conciliation can only proceed if both the Principal Party and the Responding Party mutually agree to engage in conciliation and agree on the person who will facilitate the conciliation (Appendix B). Further, conciliation can only proceed if an investigator has not provided their final investigation report.

### **4. Investigation**

The final phase of the resolution process is an investigation by a qualified investigator. As noted above, a Principal Party may choose to proceed directly to investigation without conciliation. A Principal Party may also choose not to proceed to investigation. If an Occurrence is resolved by negotiated resolution or conciliation prior to the investigator providing their report, the investigation must be ended.

If investigation is chosen by the Principal Party, the Company/Designated Recipient must provide both the Principal Party and Responding Party with notice that an investigation is to be conducted (the “Investigation Notice”).

The Company/Designated Recipient must select one of the following persons to act as the investigator:

- a) In the case where the Company and the Committee have jointly developed or identified a list of persons who may act as an investigator, a person from that list
- b) In any other case,
  1. A person that is agreed to by the Company/Designated Recipient, the Principal Party and the Responding Party
  2. As per regulations, If no agreement is reached within 60 days after the day on which the Notice of Investigation is provided, a person from among those whom the Canadian Centre for Occupational Health and Safety identifies as having the required knowledge, training and experience.

The Company/Designated Recipient must provide the investigator that is chosen or appointed to conduct the investigation with all information that is relevant to the investigation.

After the investigation is concluded, the investigator must provide a final report to the Designated Recipient/Company, Principal Party, Workplace Committee, and Responding Party. The investigator’s report must include:

- A general description of the Occurrence
- A summary of the investigator’s analysis and findings
- The investigator’s recommendations to eliminate or minimize the risk of a similar Occurrence, if any.

The report will not disclose, directly or indirectly, the identity of any persons involved in the Occurrence or resolution process. The Company and the Committee will jointly determine which of the recommendations set out in the report are to be implemented, and the Company will then implement the jointly agreed upon recommendations.

## **14. REPRESENTATION**

A Principal Party, Responding Party, or witness may be accompanied or represented by a union representative, friend, partner, colleague, or person of their choosing, at any time during the resolution process.

## **15. REPRISALS**

Parties involved in an Occurrence are forbidden from seeking retaliation. If Employees experience any retaliatory action or threat of retaliatory action from the Responding Party, witnesses, Management or other people within or outside the organization, they should inform the Designated Recipient immediately.

## 16. PRIVACY

All information to be kept confidential, except in circumstances where disclosure is required to fulfill this policy, the **responsibilities of the Company / Designated Recipient, and/ or as** otherwise required by law. Nothing stated within this policy shall be used to circumvent applicable collective agreements.

A Principal Party, Witness, Responding Party or Representative, Designated Recipient / Company, may, where reasonably necessary, disclose such information to comply with this policy, to protect a person(s), to engage in adjudication arising from the Occurrence, to obtain legal advice, or as otherwise required by law.

## 17. RECOURSE AVENUES

Employees can pursue multiple recourse avenues for their occurrence, including filing a grievance with the Union, pursuing recourse under the Canadian Human Rights Act with the Canadian Human Rights Commission or pursuing recourse under the Criminal Code.

## 18. SUPPORT MEASURES

Employees can access a list of medical, psychological or other support services available. Please see Appendix E for location specific support measures.

## 19. NOTICES SUBMITTED IN BAD FAITH

Notices of harassment and violence that are identified throughout the resolution process as having been made in bad faith will be subject to disciplinary action.

## 20. COMPLAINTS RELATED TO EMPLOYER NON-COMPLIANCE WITH THE CODE OR REGULATIONS

In accordance with section 127.1 of the Code, if the Employee believes that the Employer or designated recipient has failed to comply with the Code or Regulations when responding to a notice, the Employee must follow the amended Internal Complaint Resolution Process (ICRP) that came into force in 2021, outlined below:

- you must notify your supervisor, or the person who is designated in the Workplace Harassment and Violence Prevention (WHVP) Policy [see paragraph 10(2)(k) of the Regulations], of the contravention of the Code or Regulations as required by subsection 127.1(1.1) of the Code
- you must attempt to resolve the complaint with your supervisor, or the person who is designated in the WHVP Policy, as soon as possible as required by subsection 127.1(2) of the Code, and
- if the matter is not resolved, you can refer the complaint to the Labour Program as outlined at paragraph 127.1(8) (d) of the Code. However, the Labour Program's role is not to make a determination as to whether the occurrence is founded. The Labour Program's role is to



ensure that the workplace parties comply with the requirements of the resolution process outlined in the Regulations

- Contact Person Designated: Dave Lucas at 604-904-2836.

## **21. AMENDMENT AND COMPLIANCE WITH THE CODE AND THE REGULATION**

The Company and Committee will review and revise this policy as required to ensure compliance with the Code and the Regulation. In the event that this policy is inconsistent with the Code and/or the Regulation, the offending provision is deemed to be amended as required to be consistent with the Code and the Regulation, and this policy will be updated as soon as reasonably possible, following joint review by the Company and Committee.

This policy will also be reviewed and revised given changes that may occur at the Company (e.g., a change in the Designated Recipient(s)).

In addition, the Company and Committee will review and update this policy as appropriate as required in the applicable Regulations and its corresponding IPGs.

## **22. APPENDICES**

Appendix A: Location of Specific ERP Contacts

Appendix B: List of Conciliators and Investigators

Appendix C: Workplace Assessment/Preventative Measures Plan

Appendix D: Emergency Response Procedures

Appendix E: Support Services



## APPENDIX A - Contacts

### ERP Contacts

Who To Alert During Incident	Telephone
Emergency Services (Police / Fire / EMS)	9-1-1
On Duty Dock/Ship Superintendent	604-696-9907
On Site Security Guard	Ext 316 or 604-562-1132
Who To Alert After Incident	
ILWU Local 500, Local 514	604-254-7131 (500)   604-298-9684 (514)
Longshore EAP	604-254-7911
Non-union EAP	1-877-630-6701
SQT Marine Facility Security Officers	604-849-0312 / 604-341-4536
Transport Canada Marine Security	1-888-857-4003

### Options for Reporting Harassment and Violence

Contacts	Position	Contact Details
Jeanette O'Brian	Designated Recipient	604-904-2873 / <a href="mailto:dr@westeve.com">dr@westeve.com</a>
Rick Dervisevic	Designated Recipient	604-904-2873 / <a href="mailto:dr@westeve.com">dr@westeve.com</a>
Paul Morris	Terminal Manager	604-341-4536

### Confidential Call Line

(Information is passed onto the Designated Recipient)

Clearview Connects 1-866-889-1932

## **APPENDIX B - List of Conciliators and Investigators**

### **Conciliation**

At the time of decision to go to investigation, the parties will select a conciliator from the BC Mediators list.

<https://www.mediatebc.com/find-a-mediator/civil-roster>

### **Investigation**

At the time of decision to go to investigation, the parties will select an investigator from the COHSR list of investigators.

<https://investigator-enqueteur.ccohs-cchst.ca/#/>

## APPENDIX C - Workplace Assessment / Preventative Measures Plan

#	Hazard Description	Preventive Measures
H&V-001	Addressing workplace harassment and violence, including sexual harassment and family violence	Policy, education and continued training, support available
H&V-002	Risk of retaliation as a result of reports of Violence and Harassment	Policy, education and continued training, confidentiality, repercussions for false reports.
H&V-003	Fear of reporting, unable to report anonymously	Policy, education and continued training. Anonymous reporting line
H&V-004	Employer (Designated Recipient) not responding to reports of harassment and violence /no action	Law and Policy requirements. Person designate is set up to act if DR does not respond
H&V-005	Workers coming into the workplace having had external violence and Harassment which may affect them at work	Support resources, EAP, emergency procedures
H&V-006	Changes not implemented from investigation and / or committee	Law and Policy. H&S Committee review and accountability, management and union review (as applicable) to confirm recommendations are implemented.
H&V-007	Lack of formal training for managers and employees on respect in the workplace	Policy, education and continued training.
H&V-008	Risk of conflict and inappropriate behaviour between workers	Continued training, supervision, buddy system. Policy communication. Site cameras.
H&V-009	Lack of training for DR to support the principal party / witness if they have concern for their mental or physical safety	Policy requires DR to have extended training, EAP available
H&V-010	Lack of support for Workers involved in harassment and/or violence occurrences	EAP, Support resources, Union support. DR knowledge and resource support.
H&V-011	Not reporting WHV incidents	Education and continued training. Support resources. Anonymous reporting options.
H&V-012	Risks in handling difficult people	Continued training, support resources, supervision, Union support, EAP.
H&V-013	Risk of not being able to identify/defuse potential harassment and violent situations	Continued training, supervision, resource support.
H&V-014	Risk to personal safety in a violent or harassing situation	Supervision, support, working together, continued training,
H&V-015	Not recognising Workers suffering from family violence	Continued training, education, EAP availability, support resources available. Working together.
H&V-016	Not being able to recognize and address discrimination, stereotypes, violence and harassment	Continued training, education, EAP availability, support resources available. Working together.
H&V-017	Being isolated on site with the potential to be subjected to violence and harassment	Site lighting means of communication, supervision. Training to recognise unsafe situations. Risk assessments.

H&V-018	Lack of ability to communicate violence and harassment when working alone	Training and education. Communication tools available (phones, radios). Supervision, cameras. Buddy system.
H&V-019	FAA – alone in a room with patient, potentially dangerous for FAA	Safety Assessment to determine best treatment plan (supervision, buddy system, refer to emergency services if necessary)
H&V-020	A person could be targeted based on their pattern of work	Site lighting, security guard, cameras, fencing, supervision, alternate shifts if necessary
H&V-021	Risk to workers being vulnerable in areas on site which are blind spots, hidden, dark	Training and education to recognise unsafe situations. Supervision. Communication tools available (phones/radios). Buddy system.
H&V-022	Violence or harassment against marginalized workers (Workers with disabilities, Racialized workers, LGBTQ2S+ workers, Aboriginal workers)	Continued training and education. Working together, cultural change.
H&V-023	Violence and harassment hazards associated with working with public/visitors (truck drivers, delivery people, ship crew, contractors)	Policy and Law continued training. Security. Communication to public/visitors of policies. Supervision.
H&V-024	Violence and harassment hazards associated with working late/early hours (less people, working in the dark)	Continued training. Security. Supervision. Site lighting. Cameras.
H&V-025	Conflict over equipment	Assigned equipment, supervision.
H&V-026	Trucks waiting to be loaded, potential for frustrated truck drivers	Truck loading system. Supervision.
H&V-027	Language barrier/communication with truck drivers and ship crew- frustrations leading to violence and harassment	Signage (translated). Supervision. Customer relations.
H&V-028	Workers harassed for not being aware of/understanding workplace procedures	Education and training, supervision, toolbox talks,
H&V-029	Pressure to finish early/quickly/ work thru breaks	Training, supervision, toolbox talks, collective agreement, SOP's
H&V-030	Unauthorized access to site and or buildings	Security system, fencing, cameras. Restricted access.
H&V-031	Safety for transgender / LGBTQ2S+ workers – change rooms, washrooms	Single stall washroom in maintenance. Education, knowledge, communication, cultural changes, respecting LGBTQ2S+ rights.
H&V-032	Walking to and from bathroom alone	Lighting, cameras. Training, education, buddy system. Supervision.
H&V-033	Change rooms and washrooms potentially unsafe for workers	Lighting. Training, education, buddy system. Restricted access site. Communication.
H&V-034	Unauthorised access when security guard is not present at gate	Closed gate fence when doing rounds. Lighting, cameras. Does not do rounds during operations.
H&V-035	Breach of security/ violence against security	Restricted access, lighting, cameras, signage. Emergency response plan.

H&V-036	General public using staff washroom	Security guard, restricted access, port pass access, signage
H&V-037	Open plan office/lunchroom – workers at risk of exposure to workplace violence	Security guard, restricted access, port pass access, signage. Education and training
H&V-038	Violent person hiding on site	Security guard, lighting, cameras, restricted access. Emergency procedures.
H&V-039	Violent, criminal, or persons under the influence of alcohol or drugs coming into the site	Restricted access, security guard, cameras, emergency procedures
H&V-040	Harassment through graffiti	Cameras, site tours, housekeeping, inspections. Discipline.
H&V-041	Conflict over parking spaces	Restricted parking, parking permits. Training and education.
H&V-042	Parking lot violence, open to public	Security guard, security camera, lighting, signage
H&V-043	Employees not knowing of WHVP policy	Continued training and education. Signage, posters. Policy distribution. Toolbox talks
H&V-044	No plan to implement when there is a threat of immediate danger or there is a threat of an occurrence posing an immediate danger to the health and safety of an employee that is readily available to all employees	Emergency Response Plan for certain situations. Reviewed post incident.
H&V-045	Employees not trained on emergency procedures for violence and harassment	Continued training and education. Emergency Response Plan available to all workers.
H&V-046	Management and non-management employees NOT trained on the prevention of all forms of workplace harassment and violence	Continued training and education.
H&V-047	Employers and designated recipients not trained on responding to occurrences of harassment and violence	Continued training and education.
H&V-048	Management and non-management employees NOT provided training on how to recognize the difference between workplace conflict and harassment and violence	Continued training and education.
H&V-049	Management employees not trained on how to coach and mitigate workplace conflict that may become harassment and violence if left unmanaged	Continued training and education.
H&V-050	Occurrence of harassment and violence that happens outside of the workplace (e.g., cyberbullying outside of work hours, affecting workers at work	Continued training and education. Policy and Law. Support. EAP
H&V-051	Investigators not appointed according to the regs	Policy and Law. Person Designate available to receive complaints when regulations are not followed.

H&V-052	Risk of violence and harassment from customers, clients, ship crew	Security Guard, cameras, restricted access, escorted visitors, scheduled visitors, radio communication
H&V-053	Employees NOT trained on procedures to manage angry or aggressive clients, e.g., de-escalating techniques, prior to commencing their assignment with clients	Continued education and training – conflict resolution included in training
H&V-054	Employees NOT trained on safety precautions to take and procedures to follow when going onto waterfront sites where the environment is unknown	Continued education and training, signage, toolbox talks, site orientation, supervision,
H&V-055	Employer not knowing if employees are satisfied with work environment	H&S committee, suggestion box, suggestion book, communication, support
H&V-056	Risk of employees having increased psychological vulnerability (e.g., COVID, domestic violence, PTSD)	Communication, safety alerts, safety blitzes, notice boards, people working from home, signage, masks, EAP, community support services, counselling
H&V-057	Risk of employees having <b>increased psychological vulnerability</b> –New workers	Communication, training, toolbox talks, orientation, supervision, regulations, policies, support, EAP, community support services, counselling
H&V-058	Risk of employees having <b>increased psychological vulnerability</b> –Extreme working conditions/weather/working at night	Training, toolbox talks, orientation, supervision, EAP, community support services, counselling
H&V-059	Risk of employees having increased psychological vulnerability – High stress task- working /relying with partner /co-worker (e.g., topside, tandem driving)	Training, toolbox talks, orientation, supervision, Policy and Law, support, knowledge of industry, clear communication, EAP, community support services, counselling
H&V-060	Risk – abuse of authority	Policy and Law, training, more layers of supervision, reporting mechanisms, support, EAP, community support services, counselling
H&V-061	Risk - no clear lines of reporting	Policy and Law, training, more layers of supervision, reporting mechanisms, support, EAP, community support services, counselling
H&V-062	Employer does not have a designated recipient that has received training before assuming their duties under the Regulations.	Policy and Law
H&V-063	No alternative avenues for reporting harassment and violence when a supervisor and/or a designated recipient is involved in the occurrence being reported	Two designated recipients available, anonymous reporting (Clearview Connect), contact other managers if necessary
H&V-064	No processes in place to make the option of conciliation available	Policy and Law, conciliation is part of the resolution process
H&V-065	Managers and the workplace committee have not received training on their role to support psychological health	Continued training and education provided

H&V-066	Patient not comfortable with FAA, feels there is a potential threat of violence or harassment	Safety Assessment to determine best treatment plan (supervision, buddy system, refer to emergency services if necessary)
H&V-067	No secure place (i.e., locked area or “personnel access only” area) for employees to safely store their personal belongings?	Lockers available
H&V-068	Potential or actual violence and harassment starting in the workplace and continuing off work hours and/ or off the work site	Continued training and education, supervision, emergency procedures, emergency services,
H&V-069	Witnessing violence and harassment or threats of violence and harassment in the workplace	Continued training and education, reporting methods available, Law and Policy, supervision, emergency procedures, emergency services
H&V-070	Potential or actual sexual violence and harassment starting in the workplace and continuing off work hours and/ or off the work site	Continued training and education, reporting methods available, Law and Policy, supervision, emergency procedures, emergency services



## APPENDIX D – Emergency Response Procedures

Who To Alert During Incident	Telephone
Emergency Services (Police / Fire / EMS)	9-1-1
On Duty Dock/Ship Superintendent	604-696-9907
On Site Security Guard	Ext 316 or 604-562-1132
Who To Alert After Incident	
ILWU Local 500, Local 514	604-254-7131 (500)   604-298-9684 (514)
Longshore EAP	604-254-7911
Non-union EAP	1-877-630-6701
SQT Marine Facility Security Officers	604-849-0312 / 604-341-4536
Transport Canada Marine Security	1-888-857-4003

### Bomb Threat

- 1 Make every attempt to appear calm in your voice.
- 2 Alert others of the situation so they can call 9-1-1 (i.e. send a text, email, visual cues, note, radio, etc.).
- 3 Try to remember what is being said.
- 4 Try to gather information that would be helpful in identifying the threat i.e., voice, background noises, sex of caller, etc.
- 5 Evacuate the premises.
- 6 Gather at muster station if safe to do so.
- 7 Do not allow re-entry until the area is declared safe to do so by the appropriate authorities (Police).

### Domestic Violence Threat

- 1 Employer is made aware of a potential threat and/or an employee reports a potential threat to their immediate supervisor.  
If employee and/or potential threat belong to ILWU, the union should be informed.
- 2 Supervisor to ensure their employee is not alone and is in a safe location/area.
- 3 Inform those who have access control i.e., security guard, office entry, etc. that threat is not allowed inside the terminal or office building.
- 4 If the potential threat is seen in the workplace or area, security to direct the threat to leave.
- 5 If the threat does not leave, security to advise supervisor.
- 6 Supervisor to call 9-1-1 and the inform employee that call is being made.



## Active Threat with or without a Weapon (including sexual violence)



- 1 Quickly determine the most reasonable way to protect yourself.
- 2 Run/Escapes, hide or fight.
- 3 First Call 9-1-1 when safe to do so. Then call on duty ship/dock superintendent.

### Run/Escapes

- 1 If there is an accessible escape path, attempt to evacuate the premises.
- 2 Evacuate regardless of whether others agree to follow.
- 3 Leave your belongings behind.
- 4 Prevent individuals from entering the hazard area, if safe to do so.

### Hide

- 1 If escape is not possible, find a place to hide.
- 2 Your hiding place should help you stay out of sight.
- 3 If possible, lock and blockade the door.
- 4 Remain quiet and silence your cell phone.

### Fight

- 1 If escape or hide is not possible, fight.
- 2 As a last resort, and only if your life is in imminent danger, attempt to disrupt or incapacitate the threat.
- 3 Commit to your actions, use any means necessary to protect your life i.e., throwing items, improvising weapons etc.
- 4 When possible, escape.

**After the incident: Be available for contact by your union and/or employer.**

## Threats By A Person (including sexual violence) and Unattended Objects

### Threats Made In Person

- 1 Make every attempt to appear calm in your motions and in your voice.
- 2 Attempt to distance yourself from the threat, if possible.
- 3 Attempt to alert others of the situation in a discreet manner.
- 4 Call 9-1-1 if safe to do so and evacuate the premises.
- 5 If unable to evacuate, avoid escalating the threat and try to diffuse the situation as best as you can.
- 6 Await police to arrive and take over the situation.

### Threats Made Via Telephone

- 1 Make every attempt to appear calm in your voice.
- 2 Alert others of the situation so they can call 9-1-1 (i.e., send a text, email, visual cues, note, radio, etc.).
- 3 Try to remember what is being said.
- 4 Try to gather information that would be helpful in identifying the threat i.e., voice, background noises, sex, etc.
- 5 Evacuate the premises.

### Threats Made By Electronic Means Including Social Media

- 1 Alert others of the threat.
- 2 Preserve/document any records of the communication.
- 3 Evacuate the premises if warranted. Notify your supervisor of threat.

### Threats Made By Other Means

(i.e., letter, note, graffiti etc.)

- 1 Alert others of the threat.
- 2 Preserve/document any records of the communication.
- 3 Evacuate the premises if warranted. Notify supervisor of threat.

## Threats Outside of Work (including sexual violence)

**Potential or actual violence, including sexual violence, and harassment related to employment and can continue off work hours and/or off the work site and must be reported.**

- 1 Keep a record of any incident you may have experienced. I.e., text message, email, social media post, document date/time of phone call, violence, sexual violence, sexual innuendo etc.
- 2 Report any incident to your immediate supervisor and/or ILWU and the designated recipient.
- 3 The employer to support and offer additional measures to ensure the employee feels safe.
- 4 If you don't feel safe, call 9-1-1.
- 5 Try to find a safe place. Reach out to someone you trust for support.

## Witnessing Threats/Violence and Harassment

**When witnessing violence and harassment or threats of violence and harassment in the workplace.**

- 1 Assess the situation and determine if it is safe to intervene.
- 2 If not safe to intervene, immediately contact your supervisor and/or ILWU. Supervisor to call 9-1-1. Report to designated recipient. An investigation is to be conducted.
- 3 If you feel safe to intervene, try to de-escalate the situation. Report the incident to your supervisor and the designated recipient. An investigation is to be conducted.

## APPENDIX E - Support Services

### **ILWU Canada Support**

24 hours per day, 7 days per week, EAP 604-254-7911

[www.longshorehelp.ca](http://www.longshorehelp.ca)

### **Western Stevedoring Staff Support**

Confidential assistance with all issues of daily living anytime provided through the Life Balance Program RBC Insurance.

Use their website <http://www.lifeworks.com/> to get a complete listing of topics and useful articles.

Appointments and phone calls can be scheduled via their contact us page,

<http://www.lifeworks.com/ContactUs/index.aspx>

User ID: unumenglish

Password: unumenglish

Counsellors are also available 24/7 at 877-630-6701 to answer your questions and share their knowledge. Your call is free and completely confidential.