 <p><b>JOHN AARTS GROUP</b> <b>HEALTH, SAFETY &amp; ENVIRONMENTAL PROGRAM</b></p>	<b>Section: Workplace Violence and Harassment</b>		
	PREPARED BY: Health and Safety Team	COR Elements: 13	
	APPROVAL DATE: February 10, 2023	DATE OF ORIGIN: 02/02/2023	REVISION # 1
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## WORKPLACE VIOLENCE AND HARASSMENT PROCEDURE

### PURPOSE

The John Aarts Group is committed to building and preserving a safe, productive, and healthy working environment for its employees, free from violence and harassment. The company will take all reasonable measures to ensure job candidates, employees, managers, and clients are not subject to any form of violence or harassment. This commitment applies to all areas of business, including training, performance, assessment, promotions, transfers, layoffs, remuneration, and all other employment practices and working conditions.

### DEFINITIONS

**Complainant**

A person who has made a complaint about another individual who they believe committed an act of violence or harassment against them.

**Respondent**

A person whom another individual has accused of committing an act of violence or harassment.

**Workplace Harassment**

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 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.

**Workplace Sexual Harassment**

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 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.

**Workplace Violence**


The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker; an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; or a statement or behaviour that 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.

### SCOPE

Acts of violence or harassment against or by any employee will not be condoned or tolerated by the company. This document outlines the John Aarts Group violence and harassment program, including how incidents of violence and harassment will be handled and investigated.

This policy has been developed in consultation with the JHSC and will be reviewed as often as necessary to ensure that it accurately represents the John Aarts Group prevention program.

The John Aarts Group will provide all employees with appropriate training and information regarding the company's violence and harassment prevention practices and procedures. Employees are responsible for adhering to this policy

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and should report every incident of violence or harassment immediately to management. This includes any incidents that have been witnessed, experienced by, or reported to an employee.

For the purposes of this policy, workplace harassment or violence can occur:

- At the workplace;
- At employment-related social functions;
- In the course of work assignments outside the workplace;
- During work-related travel;
- Over the telephone, if the conversation is work-related; or
- Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship.

Reasonable day-to-day actions by a manager that help manage, guide, or direct workers or the workplace and appropriate employee performance reviews, counselling, or discipline by a manager do not constitute harassment.

### **Violence Risk Assessment**

The John Aarts Group will conduct a risk assessment of the work environment to identify potential risks that could affect the organization and the health and safety of employees and will institute measures to eliminate or control any identified risks to employee safety.

The following factors will be considered during the assessment:


- Past incidents of violence;
- Violence that is known to occur in similar workplaces;
- The circumstances in which work takes place, including the type of work and conditions of work;
- The interactions that occur in the course of performing work; and
- The physical location and layout of the workplace.

The risk assessment may include reviews of records, employee incident reports, health, and safety inspection reports, first aid records, or other related records. Areas that will be considered and may contribute to risk of violence include but are not limited to contact with the public, exchange of money, receiving doors, and working alone or at night.

The company will disclose information to workers who are likely to encounter a known person with a history of violence in the performance of their job duties, or if there is a potential risk of workplace violence as a result of interactions with the person with a history of violence. However, the company will only disclose personal information that is deemed reasonably necessary to protect the worker from physical harm.

### **Immediate Assistance Procedures**

The following measures and procedures should be followed when an incident of violence has occurred or is likely to occur and immediate assistance is required:

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- Place an immediate call to emergency services by dialing 911.
- Contact your supervisor or manager
- When the violence and the risk assessment has warranted it – or when emergency circumstances have dictated it – JAG will provide security through a third-party provider.

### Investigation Procedures

Once a complaint has been received, the John Aarts Group will complete a thorough investigation. The organization will ensure that, where practicable, the investigation is completed within 90 days of the complaint being filed.

The investigation will include:

- Informing the respondent of the complaint;
- Interviewing the complainant and any persons involved in the incident;
- Identifying and interviewing any witnesses; and
- Obtaining statements from all parties involved.

All of the above information will be documented and used to determine whether an incident of violence or harassment occurred. If necessary, the John Aarts Group may employ outside assistance or request the use of legal counsel. No unnecessary workplace parties will be involved in investigations nor will they be provided with any identifying information of the parties involved.

A copy of the complaint, detailing the complainant’s allegations will be provided to the respondent, who will be invited to reply in writing to the complainant’s allegations. The reply will be made known to the complainant before the case proceeds.


The company will take all measures to prevent any disclosure of the incident and the identities of the parties involved, unless the disclosure is necessary for the investigation, for taking corrective action or required by law.

### Results of Investigation

Upon completion of an investigation, the John Aarts Group will provide both the complainant and respondent a written summary of the findings of the investigation and any corrective action that has been or will be taken as a result of the investigation. This written notification will be provided within 7 days of the investigation being completed and will not include the investigation report unless required by law.

### Control Measures

Where the John Aarts Group determines that violence or harassment has occurred, control measures will be implemented to eliminate or control the risk of violence or harassment to a worker as a result of the investigation. These control measures will be determined on a case-by-case basis, depending on the situation investigated. Any

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control measure enacted will be communicated to the complainant and respondent, as well as any other employees the measure effects.

### Disciplinary Measures

Any disciplinary action will be determined by Senior Management and will be proportional to the seriousness of the behaviour or action involved in the incident.

If the company determines that an employee has been involved in an incident of violence or harassment towards another employee, immediate disciplinary action will be taken, up to and including immediate dismissal.

#### Domestic Violence

If the John Aarts Group becomes aware that domestic violence is likely to expose an employee to physical injury in the workplace, the company will take every precaution reasonable in the circumstances for the protection of the worker.

### Recommendations to Victims

The company will provide appropriate assistance to any employee who is a victim of violence or harassment. The John Aarts Group recommends that a worker who has been harmed as a result of an incident of violence at the workplace consult their health care provider for treatment or referral for post-incident counselling, if appropriate.

#### The Right to Refuse Unsafe Work


Employees have the right to refuse work if they have a reason to believe that workplace violence is likely to endanger them. Upon refusing to work, the employee must report the circumstance of the refusal to their supervisor. An investigation will follow in accordance with the JAG work refusal policy and all relevant legislation.

### Fraudulent or Malicious Complaints

It is a violation of this policy for anyone to knowingly make a false complaint, or to provide false information about a complaint. Unfounded or frivolous allegations may cause both the respondent and the company significant damage. Any employee who knowingly makes a false allegation related to violence or harassment will be subject to immediate disciplinary action, up to and including termination of employment.

### Confidentiality

The John Aarts Group will not disclose the name of a complainant or a respondent or the circumstances related to the complaint to any person except where disclosure is necessary to investigate the complaint or take corrective action with respect to the complaint or required by law. The company will only disclose the minimum amount of personal information or details necessary for these purposes.

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All records of harassment, and subsequent investigations, are considered confidential and will not be disclosed to anyone except to the extent required by law. The company will do everything reasonably possible to protect the privacy of any individuals involved and to ensure that complainants and respondents are treated fairly and respectfully.

### PROCEDURE

**Violence Risk Assessment:**

- It is standard practice for JAG to perform a violence risk assessment for all places of business. Whether or not a complaint has been made.
- If the risk assessment warrant's it, JAG will provide additional controls to keep employees safe

**Complaint Received:**

- JAG receives a complaint either directly from the complainant or from a JAG supervisor or manager

**Investigation Launched:**

- Informing the respondent of the complaint;
- Interviewing the complainant and any persons involved in the incident;
- Identifying and interviewing any witnesses; and
- Obtaining statements from all parties involved

**Investigation Results:**

- Based on the results of the investigation JAG will implement controls and make recommendations to ensure no similar complaint is made again
- If the complaint has been found to be fraudulent or malicious, disciplinary action could be taken

### RESPONSIBILITIES

**Senior Management:**


- Ensure the workplace violence and harassment policy and procedure is prepared, reviewed, and updated at least annually
- Ensure the policy and procedure is communicated to all staff
- Ensure the risk assessment is completed by JAG health and safety
- Ensure all subcontractors and visitors are made aware of this policy and procedure
- Ensure any training identified as useful by JAG health and safety/HR is made available to employees
- Ensure the reporting, investigation, and documenting of incidents are functioning and in place
- Report any incident to the police, MLTSD when required
- Take corrective actions and monitor their efficacy

**Supervisors:**

- Report any incident to your manager
- Report any incident to the police, MLTSD when required
- Ensure all workplace parties are made aware of this policy and procedure

**Workers:**

- Provide input into the violence risk assessment
- Attend training when required
- Provide input on how this policy can be improved when requested

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- Report all incidents to your supervisor or directly to JAG management
- Assist with investigations when required

### Health and Safety Team:

- Conduct violence risk assessments for each JAG place of business
- Assist/conduct investigations when required
- Schedule any required training
- Assist in the review of this policy and procedure

### Health and Safety Committee/Rep:

- Review policies and procedures as required
- Assist with investigations when required

### Subcontractors:

- Review policies and procedures as required
- Assist with investigations when required

### Visitors:

- Review policies and procedures as required
- Assist with investigations when required

## REQUIREMENTS

### Documentation:

- Corporate Hazard Identification and Risk Assessment Matrix
- Site Specific Safety plans
- Occupational Health & Safety Act
- Construction Regulation 213/91
- Industrial Regulation 851/90
- Mining Regulation 854/90

### Training:

- Hazard recognition and control
- Job Hazard Analysis
- Responsibilities as per legislation and the OHSMS
- Site specific safety plans

## ENFORCEMENT

Following this procedure is a condition of employment for all employees. This will be enforced strictly by management and supervision. Failure to follow this procedure, as set out, may lead to progressive discipline up to and including dismissal or removal from site as deemed appropriate by JAG.

## REVIEW

In accordance with the *Occupational Health and Safety Act*, this policy will be posted in a conspicuous place in the workplace and reviewed annually.



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### DOCUMENT AND RECORD CONTROL

All documents and record generated from this procedure will be stored indefinitely on HCSS or JAG servers indefinitely.