



WORKPLACE DISCRIMINATION, HARASSMENT & VIOLENCE PREVENTION POLICY (CANADA)

Issued by: Human Resources
Effective: November 19, 2021

1.0 PURPOSE

Canadian Pacific (CP) is committed to fostering a respectful, diverse and inclusive workplace pursuant to the *Canadian Human Rights Act* (“CHRA”), and to ensuring a safe and healthy working environment for all employees pursuant to Part II of the *Canada Labour Code* and its Regulations (“Code”) by:

- Providing a workplace free of discrimination, harassment and violence;
- Dedicating sufficient attention and resources to addressing factors that can create conditions for workplace discrimination, harassment and violence to occur, and to preventing such occurrences;
- Addressing any work-related occurrence that is discriminatory, harassing or violent that might happen; and
- Assisting and providing support to employees who experience discrimination, harassment and/or violence in the workplace.

2.0 SCOPE

This Policy applies to all employees in Canada who are engaged in work, work-related activities, or work-related relationships either on or off CP property (i.e. at any CP Workplace). It also applies to all incidents of workplace harassment and violence, including sexual harassment and sexual violence, and family violence that impact the Workplace, and third party violence (including by contractors, suppliers, visitors or trespassers).

3.0 DEFINITIONS

“**DISCRIMINATION**” means an action or decision that is made for a reason that is not allowed under the CHRA and affects a person or a group negatively. These reasons (also called prohibited grounds) are:

- Race
- National or ethnic origin
- Colour
- Religion
- Age
- Sex (including pregnancy or child-birth)
- Sexual orientation
- Gender identity or expression
- Marital status

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- Family status
- Disability
- Genetic characteristics
- A conviction for which a pardon has been granted or a record suspended
- Any other prohibited ground set out in the CHRA

“HARASSMENT and VIOLENCE” (“H&V”) means 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.

Generally, harassment is behaviour that persists over time. Serious one-time incidents may also constitute harassment in certain circumstances. Harassment (including sexual harassment) also amounts to discrimination when based on one or more of the prohibited grounds of discrimination listed above. It can take many forms including, but not limited to:

- Threats/Intimidation (whether by phone, email, in-person or online);
- Verbal abuse such as name calling;
- Bullying (including cyber bullying);
- Derogatory or degrading remarks regarding gender or sexual orientation;
- Offensive jokes or remarks;
- Innuendos (including sexual innuendos);
- Unwanted and inappropriate invitations or requests, including of sexual nature; and
- Displaying offensive posters, cartoons, images or other visuals.

Harassment does not include:

- Discipline that is appropriately administered;
- Reasonable management actions carried out in a fair and respectful manner, such as day-to-day actions by a supervisor or manager related to performance, absenteeism, assignments, discipline, and even dismissal (unless it is abusive or discriminatory);
- Every workplace disagreement or difference of opinion (i.e. those that are constructive and professional are acceptable); and

Violence includes (but is not limited to) the following acts or attempted actions:

- Verbal threats, abuse or intimidation;
- Threatening behaviour – shaking of fists, destroying property or throwing objects;
- Physical attacks – hitting, shoving, kicking or wounding a person in any way;
- Attack with any type of weapon;
- Spitting at a person;
- Homicide; and

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- Sexual assault/Rape.

“**OCCURRENCE**” means an occurrence of Discrimination or H&V in the Workplace.

“**WORKPLACE**” means any place where an employee is engaged in work for CP pursuant to the *Code*.

4.0 POLICY STATEMENT

As part of its commitment to workplace health and safety, CP does not tolerate Discrimination, or H&V in the Workplace by its employees, contractors, suppliers or visitors, and is committed to protecting employees against, and preventing all Occurrences of, such behaviour (including through on-line, in-person or other means). Such behaviours are unacceptable and prohibited.

CP is committed to providing training and resources to assist employees in recognizing and understanding what constitutes Workplace Discrimination, H&V, and to resolving all Occurrences in accordance with this Policy, related procedure and applicable law.

CP provides on-going assistance and resources to employees, including managers, in order to manage issues and Occurrences falling under this Policy. Employees may visit the links or contact the CP resources below for more information:

Employee Relations Canada Employee_Relations_Canada@cpr.ca CP Police Service at 1-800-716-9132 A-Line or 1-888-279-6235	Employee Family Assistance Program Canada 1-800-735-0286 Corporate Risk
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5.0 POLICY EXPECTATIONS

All employees must comply with the requirements of this Policy and all related procedures by conducting themselves in accordance with its intent and spirit, and with the understanding that not all situations and Occurrences can be addressed by a single policy document. Employees who have experienced or witnessed Discrimination, H & V in the Workplace must notify their supervisor and/or Employee Relations in accordance with HR 1300.1 - *Workplace Discrimination, Harassment & Violence Prevention Procedure (Canada)*.

Employees should document all events, including time, date, witnesses and a description of the Occurrence for reporting purposes. All managers who receive notification of such an Occurrence are to report it in a timely manner to Employee Relations.

Any Occurrences of violence, threats of violence, mischief or property damage must also be reported to [CP Police Service](#) at 1-800-716-9132 as soon as possible.

Note that while anonymous reports will be accepted, insufficient information being provided can limit CP’s ability to respond in an appropriate, fulsome and meaningful way, as well as assist affected employees.

Employee privacy matters. So does the confidential handling of Occurrences and any other complaints under this policy. A breach of privacy and/or confidentiality related to an Occurrence or complaint is prohibited.

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6.0 CONSEQUENCES

All Occurrences of Discrimination and H&V may result in disciplinary action up to and including termination of employment. Such Occurrences could also lead to criminal charges and possible personal liability. CP, or the responsible manager(s), may also be liable for not taking action to prevent the continuation or repetition of any such behaviour.

Retaliation in response to reporting an Occurrence, otherwise making a complaint of Discrimination, participating in an investigation (or dispute resolution process), reporting a safety-related contravention or hazard under HS Policies 4552 or 5552, or for associating with a person who reports an Occurrence, is prohibited and is a breach of this Policy. Instances of retaliation (also known as reprisal) must be reported to a manager or Employee Relations immediately. Allegations of retaliation will be investigated by Employee Relations. Retaliation in any form may result in discipline up to and including termination of employment where appropriate.

Any contractor or other person authorized to be on CP property who violates the terms of this Policy shall be removed from, and may be denied further access to, CP property.

A Notice of Occurrence or complaint that is identified as having been made in bad faith may be subject to disciplinary action up to and including termination of employment.

Any breach of confidentiality related to an Occurrence or complaint may also result in disciplinary action up to and including termination of employment if it occurs.

7.0 RELATED POLICIES & PROCEDURES

Related policies and supporting procedures are listed below:

Related Policies	Code of Business Ethics HR 206 – Diversity & Inclusion HR 1500 – Employment Equity (Canada) HR 1501 – Workplace Accommodation (Canada) HR 1804 – Protection of Personal Information HR 2209 – External Recruitment (Canada & U.S.) HS 4552 – Reporting Contraventions and Safety Hazards Without Reprisal
Related Procedures	HR 1300.1 - Workplace Harassment & Violence Prevention Procedure (Canada) HS 5552 – Reporting Contraventions, Safety Hazards and Identifying Safety Concerns

History

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1	November 19, 2021