

# POSITIVE WORKPLACE POLICY

## Purpose

At Kinaxis, every employee is entitled to a positive workplace environment that is free from discrimination, harassment, sexual harassment and violence, and that treats employees with dignity and respect.

Kinaxis is strongly committed to ensuring that no employee is subject to discrimination, harassment, sexual harassment or violence from management, co-workers, suppliers or customers. One of the ways Kinaxis demonstrates this commitment is through the development and enforcement of this Positive Workplace Policy.

Kinaxis is committed to fair treatment of its employees, upholding human rights, and paying fair wages.

## Definitions

**Discrimination:** unfair or improper behaviour (whether intentional or not):

- that is directed toward one or more employees;
- that affects working conditions or employment decisions such as hiring, promotion, training, benefits, or termination of employment;
- and that is related to one or more of the following grounds of discrimination prohibited by the Ontario Human Rights Code or other applicable legislation employment/labour standards laws that apply in your province/state/jurisdiction of work ("Code"): race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), age, pardoned conviction, marital status, family status, same-sex partnership status, sex, gender, gender identity, including pregnancy and childbirth, sexual orientation, or physical or mental handicap which can include physical conditions or traits such as obesity or disfigurement.

A person does not have to intend to discriminate for the behaviour to be discriminatory. It is enough if the person knew or ought reasonably to have known that their behaviour would be inappropriate or unwelcome.

**Harassment:** improper behaviour (whether intentional or not):

- that is directed toward one or more employees;
- that is intimidating, offensive, embarrassing or humiliating, interferes with work performance or job security, or creates an intimidating, hostile or offensive working environment;
- that the offender knew or ought reasonably to have known would be inappropriate or unwelcome.

Harassment typically involves a course of conduct or a pattern of behaviour, including more than one incident. However, one single incident, if sufficiently serious, can constitute harassment.

Once again, a person does not have to intend to harass for the behaviour to be harassment. It is the *effect* of the behaviour that matters, even when that effect is unintended.

**Sexual harassment:** engaging in a course of vexatious comments 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
- 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 involves unwanted behavior of a sexual nature that intimidates or causes another person offence or humiliation. It is specifically related to gender or sexual orientation, which is what differentiates it from other types of harassment. Sexual harassment can be directed at people of the same gender or sexual orientation, or those of another gender or sexual orientation.

**Violence in the workplace:** any intentionally:

- attempted or actual exercise of any physical force that causes or may cause physical injury;
- intimidating or threatening behaviour that give a person reasonable grounds to believe they are at risk of physical injury.

## Scope

Kinaxis will not tolerate discrimination, harassment, sexual harassment or violence by or against its employees, nor condone it in any way. Kinaxis will take appropriate disciplinary, remedial and, where necessary, legal action against anyone responsible for violating this Policy.

This Policy applies to all Kinaxis employees, including full time, part time, temporary, and coop students. This Policy also applies to all consultants and contractors who may provide services in our workplace.

## Obligations of every individual

Every individual has a responsibility to help promote a positive workplace environment. This means not engaging in, allowing, condoning, or ignoring behaviour that violates this Policy. Every individual is responsible for their own behaviour. However, supervisors and managers have an additional obligation to oversee and correct the behaviour of other employees by setting a good example and taking positive action whenever they become aware of any potential breach of this Policy.

In order to provide a safe and positive work environment, Ontario legislation obligates Kinaxis to alert employees to any risks associated with working alongside individuals who have been identified as violent or abusive or employees who may be at risk for experiencing violence or abuse while at work. This practice will be followed in all Kinaxis workplace locations.

## Processes and Procedures

What should you do about discrimination, harassment, sexual harassment or violence?

### Step 1: Communication

If you experience or become aware of discrimination, harassment, sexual harassment or violence\* involving a person covered by this Policy, Kinaxis encourages you to immediately make it clear to the offender that their behaviour is unwelcome and offensive. Be specific about the exact behaviour you want stopped, and why. Most people will respond appropriately to a direct communication of disapproval, and in many cases, that will be enough to put an end to the matter. However, Kinaxis recognizes that sometimes you may not feel confident or comfortable in confronting the person, or doing so simply does not work. In that case, make a written record of the date, time, details of the conduct, and witnesses, if any, and proceed to Step 2.

*\*Note – in cases of serious violence, where appropriate, notify authorities (police or 911 where applicable) and then immediately notify Human Resources.*

### Step 2: Notify Human Resources

If you experience or become aware of discrimination, harassment or sexual harassment and Step 1 is not appropriate or does not resolve the situation, then Kinaxis strongly urges you to notify Human Resources as soon as possible so they can provide support and assistance to resolve the situation.

Supervisors or managers who receive a complaint or become aware of a violation of this Policy are required to immediately notify Human Resources, so that Human Resources can provide appropriate support and guidance.

Remember, Kinaxis can only resolve a problem when we know about it. When we stay silent about discrimination, harassment, and violence, we lose the opportunity to make our workplace environment as positive and healthy as we all want it to be.

### Step 3: Informal Complaint

Once you notify Human Resources under Step 2, in appropriate circumstances you may wish to have the matter treated as an informal complaint. In that case, Human Resources will make an informal attempt to resolve the situation. Where an informal complaint process would not be appropriate or proves to be ineffective, the next step is a formal complaint.

### Step 4: Formal Complaint

To file a formal complaint, prepare a written complaint containing a brief account of the incident(s), including the date, time, details of the conduct, those involved and the names of any potential witness you believe may have observed or have knowledge about the incident(s). Sign and date the complaint, and deliver it to Human Resources. Keep a copy for yourself.

## FAQ

### ***What are your rights if you make a complaint?***

If you make a complaint (informal or formal), you have the right:

- to make the complaint and to obtain a prompt investigation and resolution of the complaint without fear of embarrassment or retaliation;
- to be represented or accompanied by another person of your choice (including legal counsel) at

any stage in the complaint process.

***What are your rights if someone makes a complaint about you?***

If someone makes a complaint against you (informal or formal), you have the right:

- to be informed immediately that a complaint has been made;
- to be provided with a copy of any written complaint, or if no written complaint exists, to be provided with written details of the allegations;
- to be afforded the opportunity to respond to the complaint;
- to be represented or accompanied by another person of your choice (including legal counsel) at any stage in the complaint process.

***What are your obligations if you are involved in the investigation of a complaint?***

All employees are required to co-operate fully in the investigation and resolution of any complaints. All employees (including the complainant and the alleged offender) are also required to respect the need for confidentiality, and to refrain from discussing complaints, or their involvement in any investigation of a complaint, except as required for the purposes of any investigation and resolution.

***How does the complaint process work?***

When a complaint is received, Kinaxis will take appropriate steps to investigate and resolve the complaint. What is appropriate in a given situation will depend on the nature of the complaint, and other relevant circumstances. All complaints will be handled in as confidential and timely a manner as possible, consistent with Kinaxis' obligation to conduct a thorough investigation. In appropriate situations, Kinaxis will involve external legal counsel and/or investigators.

As a general rule:

- Kinaxis will not disclose the identity of the complainant or the circumstances of the complaint, except to the extent that such disclosure is necessary for the purposes of investigating the complaint, or taking disciplinary, remedial or legal action, or where such disclosure is required by law
- information concerning a complaint, or action taken as a result of the investigation, will be released to the complainant, the alleged offender, and, where appropriate, their supervisors and managers.

The circumstances of the complaint and investigation will be documented in detail, including responses of the alleged offender and witnesses. Once the investigation is completed, Kinaxis will determine:

- whether the acts complained of constitute discrimination, harassment, sexual harassment or violence, and if so, the appropriate disciplinary or remedial actions to be taken
- whether the complainant falsely accused the alleged offender knowingly or in a malicious or retaliatory manner, and if so, the appropriate disciplinary or remedial actions to be taken.

Where a complaint is substantiated, Kinaxis will take appropriate disciplinary and remedial against the offender. In appropriate situations, Kinaxis may initiate legal action.

Where a complaint is not substantiated, as long as the complaint was made in good faith, there will be no repercussions against the complainant. However, if a complainant falsely accuses someone, knowingly or in a malicious or retaliatory manner, that false accusation constitutes a breach of



this Policy, and appropriate action will be taken.

**What kinds of disciplinary and remedial action will Kinaxis take if this Policy is breached?**

Whenever any employee is found to have engaged in conduct that constitutes a breach of this Policy, Kinaxis will take appropriate disciplinary and remedial action to resolve and correct the situation. In appropriate situations, Kinaxis may initiate legal action.

Disciplinary steps range from informal (for example, a verbal reprimand) to formal (for example, a suspension without pay), and from less serious to more serious (for example, a demotion), up to and including, in appropriate cases, termination for cause.

Remedial steps range from unstructured (for example, requiring an apology; rearranging work space) to more structured (for example, rearranging reporting relationships; requiring attendance at harassment/sensitivity training sessions).

The selection of the appropriate disciplinary and remedial action, or any action to be taken, will be in Kinaxis’ sole discretion. What is appropriate in any given situation will vary, and will depend on a number of factors including (among other things) the nature and seriousness of the problem, and whether this is a new or recurrent problem.

**Related/Additional Information**

If you have any further questions, please contact [Human Resources](#).

A number of government agencies have been established to prevent and redress discrimination, harassment and violence. Please understand that nothing in this Policy prevents or discourages you from contacting the appropriate government agency if you have concerns or complaints concerning discrimination, harassment or violence. Feel free to contact [Human Resources](#) to obtain contact information on request.

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1.0	March 17, 2015	Lori Johns	Annual review
2.0	July 21, 2016	Lisa Carter	Annual review
3.0	July 17, 2017	Lisa Carter	Annual review
4.0	August 10, 2018	Lisa Carter	Annual review
5.0	October 10, 2018	Lisa Carter	Updated Kinaxis logo
6.0	September 13, 2019	Tawni Davis	Annual Review
7.0	May 11, 2020	Allie Maguire	Updated legislation detail
8.0	May 15, 2020	Allie Maguire	Culture and values update
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