



# Working together

Creating competitive advantage through people

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This booklet has been prepared for the employees of Imperial Oil Limited ("Imperial Oil"), ExxonMobil Canada Ltd., ExxonMobil Business Support Centre Canada ULC and ExxonMobil Chemical Films Canada Ltd. (the "ExxonMobil companies in Canada") and their subsidiaries, affiliates and partnerships.

Nothing in this booklet is intended to override the corporate separateness of individual corporate entities. The terms "company," "companies," "affiliate," "our," "we" and "its" as used in this booklet may refer to Imperial Oil Limited, the ExxonMobil companies in Canada, and their subsidiaries, affiliates and partnerships. The shorter terms are used merely for convenience and simplicity.

# Introduction

Imperial and the ExxonMobil companies in Canada believe that our success as business enterprises is rooted in the quality of our employees. Our objective is to hire the most qualified person available for each job opportunity, regardless of individual characteristics unrelated to job performance. We are committed to providing a positive work environment which values the wide-ranging perspectives inherent in our diverse workforce and which fosters individual growth and achievement of business goals. We further believe that all individuals should be treated with dignity and respect. Thus, it is essential that our workplaces be free of all forms of harassment.

Harassment, even in its most subtle forms, is in direct conflict with company policy and acceptable standards of workplace behaviour and will not be tolerated.

Defining what constitutes harassment can be difficult. Behaviour or actions objectionable to one person may not be objectionable to another. This Working Together publication is intended to enhance your understanding of what constitutes harassment in the workplace, how to avoid it and what to do if it occurs.

This publication details our company harassment policy and administrative guidelines, describes behaviour that is unacceptable in our workplace, outlines our complaint process, discusses examples of inappropriate behaviour and answers questions concerning the policy's interpretation. This booklet is provided to employees at time of hire, and periodically thereafter, to ensure that they are aware of the policy requirements and associated guidelines.

Our harassment policy prohibits any form of unlawful harassment. In addition, the policy also prohibits behaviour that is not unlawful but which the company considers inappropriate and unacceptable in the workplace. "Workplace" is broadly defined. It includes company premises, company property, off-premise company-sponsored functions, and meals and travel venues while on company business. In Working Together, terms such as "harassment" or "poisoned work environment" are used to describe inappropriate and unacceptable actions. While these behaviours or actions may be considered "harassment" under company policy, they do not necessarily constitute unlawful conduct under current legal definitions.

It is your responsibility to help our workplace be free of harassment. Please read this booklet, and ensure that you understand the contents. Your cooperation and commitment to the harassment policy's objectives are essential if we are to reach this important business goal. If you have questions, please address them with your manager, human resources advisor, or diversity and equity contact.

# Harassment in the workplace policy

It is the policy of Imperial and the ExxonMobil companies in Canada to prohibit any form of unlawful harassment based on age, sex, race, colour, religion, creed, national origin, citizenship, language, marital status, family status, pregnancy and childbirth, sexual orientation, disability/handicap, political belief or any other prohibited ground of discrimination. In addition, our harassment policy also prohibits any other form of harassment. Such conduct, while perhaps not unlawful, is considered unacceptable in our workplace. The objective of this policy is to provide a work environment that fosters mutual employee respect and working relationships free of harassment. The company specifically prohibits any form of harassment by or toward employees, contractors, suppliers, or customers.

Under our policy, harassment is any inappropriate conduct that has the purpose or effect of:

- creating an intimidating, hostile or offensive work environment;
- unreasonably interfering with an individual's work performance; or
- affecting an individual's employment opportunity.

Harassment will not be tolerated. Forms of harassment include, but are not limited to, unwelcome verbal or physical advances, and sexually, racially or otherwise derogatory or discriminatory materials, statements or remarks. All employees, including managers, will be subject to corrective action up to and including termination of employment for any act of harassment.

Individuals who believe they have been subjected to harassment should immediately report the incident to their manager, higher management or their designated human resources or diversity and equity contacts. All complaints will be promptly and thoroughly investigated. The company will treat such complaints as confidentially as possible, releasing information only to those with a need or right to know.



Any employee who observes or becomes aware of harassment should immediately advise their manager, higher management or their designated human resources or diversity and equity contacts. No employee should assume that the company is aware of a problem. All complaints and concerns should be brought to the attention of management, human resources or diversity and equity personnel so that steps can be taken to correct them.

No retaliation will be taken against any employee because he or she reports a problem concerning possible acts of harassment. Employees can raise concerns and make reports without fear of reprisal. If you have any questions about what constitutes harassing behaviour, please contact your manager, human resources or diversity and equity contact.

# Guidelines

## Categories and forms of harassment

There are several categories of harassment. To determine if specific behaviours amount to harassment a “reasonable person” test is applied. Would a reasonable person be genuinely offended or intimidated by the specific conduct? Would the behaviour cause the work environment to be offensive or intimidating for a reasonable person?

The major categories of harassment are as follows:

### Sexual harassment:

Which can be further defined as:

- unwanted sexual advances including: sexually graphic comments or epithets; derogatory gestures or looks; unwanted sexual flirtations or propositions; unnecessary/unwanted physical contact; threats of harm or violence; slurs; derogatory or demeaning posters, cartoons, graffiti or drawings; offensive jokes, e-mail or voice mail; or display of sexually suggestive pictures;
- implied or expressed promises of reward or benefit for complying with a sexually oriented request;
- implied or expressed threats of reprisal in the form of either actual reprisal or denial of opportunity for refusal to comply with a sexually oriented request.

Conditioning an offer of employment, transfer, promotion, training course, avoiding layoff or separation, performance assessment or salary treatment to an explicit or implicit demand for sexual favours is harassment.

Generally, only managers who have the ability to condition job benefits or opportunities to the acquiescence to sexual propositions can commit this type of harassment. However, employees in quasi-supervisory roles (e.g., trainers or team leaders) can also be guilty of this type of harassment, if they make compliance with demands for sexual favours a basis for a tangible employment action.

### Racial/ethnic harassment:

Which can be further defined as:

- any of the following that are about or motivated by a person’s race, colour, citizenship or national origin: unwanted actions; derogatory comments; slurs; derogatory or demeaning posters, cartoons, graffiti or drawings; offensive jokes, e-mail or voice mail; innuendoes; taunting; threats of harm or violence; intimidating or threatening gestures; physical interference with normal work or movement; or assault.

### Other harassment:

Which can include:

- any unwanted actions or derogatory comments that are about or motivated by a person’s age, religion, creed, language, marital status, family status, pregnancy and childbirth, sexual orientation, mental or physical disability and handicap, political belief or any other prohibited ground of discrimination.
- any unwanted actions; derogatory comments; slurs; profanity; derogatory or demeaning posters, cartoons, graffiti or drawings; offensive jokes, e-mail or voice mail; innuendoes; taunting; bullying; unnecessary/unwanted physical contact; threats of harm or violence; intimidating or threatening gestures; yelling; slamming doors; throwing objects; physically impeding or blocking movements; physical interference with normal work or movement; or assault.
- In addition, our company harassment policy also prohibits any other form of harassment. Such conduct is considered unacceptable in our workplace.

Work-related conduct, such as candid feedback from a manager regarding work performance or counseling for poor attendance, is not harassment.

### Poisoned environment:

Which can be further defined as:

- any of the following or other activities that create an intimidating, hostile or offensive atmosphere or that intrude upon a person’s dignity: slurs; profanity; derogatory or demeaning posters, cartoons, graffiti or drawings; offensive jokes, e-mail or voice mail; offensive literature (e.g., pinups); or derogatory comments. A poisoned environment is a form of harassment that may not be directed at any one individual but by nature is considered offensive and is therefore prohibited in our workplace. Any employee can create a hostile work environment through unwelcome, offensive conduct.

# Assessing your behaviour



## Being harassed can make a person feel:

- Angry
- Embarrassed
- Frustrated
- Guilty
- Helpless
- Isolated
- Ostracized
- Uncomfortable

## Harassment can result in:

- Absenteeism
- Attrition
- Lost competitiveness
- Lost productivity
- Low morale
- Poor quality work
- Poor teamwork

Harassment may occur as a single encounter or a series of incidents, persistent innuendoes or threats. Behaviour constituting harassment is often a matter of perception and interpretation. Tolerance for what is considered acceptable behaviour may vary widely among individuals. As a general rule, harassment is considered to have taken place if a person knows or ought reasonably to know the behaviour is unwelcome.

**A good rule to follow is:  
If there is any question in your mind  
about whether your behaviour or  
comment might be harassing,  
don't do it or say it.**

Could your behaviour be considered harassing?

- Would you change your behaviour if your spouse, son or daughter were within hearing distance?
- Would you feel uncomfortable if the same behaviour or comment were directed at you or someone in your family?
- Would you be embarrassed if a newspaper published an account of your actions or comments?

If you answered "yes" to any of these questions, your behaviour or comments could be considered harassing.

# Harassment prevention process

The company has taken a number of actions to prevent harassment from occurring in our workplace. These actions include:

## Policy

The company has developed a Harassment in the Workplace policy that prohibits all forms of unlawful harassment. The policy also prohibits certain behaviours that are not unlawful but which are considered inappropriate in a business setting. These behaviours are prohibited because they are incompatible with our objective of creating a positive work environment where individuals are treated with respect and dignity. Employees are encouraged to develop their full capabilities and to make positive contributions to the business.

## Communications

Our harassment policy is communicated to employees at the time of their employment. Subsequent communication occurs during periodic Business Practices Reviews and through periodic policy reminder communications to employees. The policy is included in our Standards of Business Conduct and posted on the HR and You intranet site. Senior operating and site managers provide periodic reminders to managers and supervisors of their responsibilities under the Harassment in the Workplace policy. Harassment communications emphasize that inappropriate conduct is prohibited and will not be tolerated by the company. Employees are advised to not tolerate harassment and to promptly report any prohibited conduct to a member of management or to human resources.

## Education and training

Our harassment policy is covered in new hire orientation programs. Copies of the policy and Working Together are given to new employees. The harassment policy and addressing harassment issues are included in appropriate supervisor training programs.

## Accountability and stewardship

Senior management stewards harassment complaints that result in corrective actions. Harassment policy compliance is evaluated during routine business audits.

## Enforcement

Disciplinary action is imposed for violations of the harassment policy. The nature and severity of the conduct, history of the offender and organization precedent are considered in determining the appropriate level of discipline. Violations of the harassment policy may result in termination of employment and denial of access to our work sites.



# Complaint resolution process

## Confronting unwelcome behaviour

Employees are encouraged to warn offenders when they observe or experience behaviour that could be perceived as harassing, if they feel comfortable doing so. The employee should be direct and candid and should clearly communicate that the behaviour is unwelcome, offensive and must stop. The employee should document the incidents and the communication with the offender, and retain the documentation for future use if the behaviour does not stop. If the behaviour continues or the employee is uncomfortable confronting it, the employee should file a complaint.

## Filing a complaint

Employees who believe they are being subjected to harassment, or who observe or know of a colleague or group of employees who are being harassed, should contact their manager, human resources advisor or diversity and equity personnel for advice and assistance. Employees' access to management in such instances is not limited to their immediate manager. Employees are protected from retaliation for reporting harassment incidents. **This protection does not extend to deliberate fabrications.**

## Harassment complaint investigations

Because the working relationship between two people can be damaged as a result of a complaint being lodged, it is important to focus discussions on conflict resolution, to resolve the issue as near to the source as possible and as quickly as possible. Diversity and equity personnel are responsible for ensuring that complaints are responded to in a manner that is consistent with company policy. If managers or human resources personnel are approached with a complaint, they will contact diversity and equity personnel for advice on how to handle the complaint.

When warranted, human resources will form a team and conduct an investigation with advice and support from the law department. Witnesses will be interviewed and file documents reviewed by a team of experienced investigators. Individuals participating in harassment investigations will be protected from retaliation. Details of investigations will generally be shared only with those individuals with a need or right to know. However, the preservation of anonymity and confidentiality may not always be practical. For example, interviewing witnesses often requires revealing information about the complaint and complainant.

## Communication and corrective action

An investigative team will determine if a policy violation has occurred and make a recommendation to the line manager. The line manager will evaluate the investigation findings and recommendation. Line managers will facilitate the communication of the investigation outcomes to the complainants and those accused. The line manager will implement corrective actions and impose discipline, when appropriate. Specific disciplinary actions will not be disclosed to a complainant.



# Responsibilities

## Employees

All employees have a personal responsibility to ensure that unwelcome or unacceptable behaviours or comments directed at them or others are communicated as such to the perpetrator. Employees who feel they are being subjected to harassment are expected to take any or all of the following actions:

- make their disapproval known to the person whose behaviour is in question, if they feel comfortable in doing so;
- keep a written record of date(s), time(s), unacceptable behaviour and any witnesses to the incident(s);
- report the incident to whomever they feel comfortable talking to – contact their management, human resources advisor or diversity and equity personnel for advice and assistance.

Every employee is responsible for adhering to the company's harassment policy while at work and in those off-the-job situations where they may be viewed as a company representative. **Abuse of the policy by using it as a means to falsely accuse or discredit colleagues will not be tolerated.**

## Managers

In addition to the responsibilities of all employees, those individuals in managerial positions are responsible and accountable for:

- ensuring that all company-sponsored social and recreational activities are administered in accordance with the company's equal employment opportunity and harassment policies;
- ensuring the workplace is free of all potential visual forms of harassment and any other harassment as defined in this policy;
- intervening when necessary to stop behaviour that is a violation of the company's harassment policy, in order to prevent recurrence and to protect complainants from retaliation;
- ensuring that employees are informed of the company's policy and procedures for dealing with cases of harassment;
- ensuring that contract workers at the company's work sites are aware of and adhere to the policy, and where appropriate, removing a contract worker from the company's workplace if they violate the policy;
- contacting diversity and equity personnel on all harassment complaints and working with them to resolve the complaint;
- creating and maintaining a work environment that fosters mutual respect among individuals and enables employees to bring harassment complaints forward;
- ensuring that employees are not subject to retaliation as a result of making a complaint or participating in an investigation; and
- with the involvement of diversity and equity personnel and the law department, if appropriate, recommending appropriate corrective action when an employee is found to have committed an act of harassment.



# Recognizing harassment

What kind of behaviour is considered unacceptable under the provisions of our harassment policy? Some situational vignettes are included in this section of Working Together to help clarify the interpretation of the policy.

## Age-related comments

Frank started with the company as a pipefitter almost 32 years ago. He has enjoyed his career at the refinery, although he knows that nobody makes it through a career without a few bumps and periods of unhappiness. He is going through one such period now. The group he currently works with is much younger. They often tease him about his age, calling him “gramps” or “old timer.” They frequently insinuate that they can do his job better and faster. As a practical joke, one co-worker gave him a cane on his last birthday. Frank feels he has a lot to offer the company; however, lately he has let their comments get the best of him. He’s begun to wonder whether it is worth the hassle and is considering early retirement.

In this example, Frank has been subjected to harassment, as defined by our policy, based on his age. While these comments may appear innocuous, they are not. The repeated joking and teasing have created a hostile work environment for Frank. Frank may not be willing to tell his co-workers that their barbs offend him, because he does not want to appear weak and feels the teasing will only escalate if he complains. So Frank suffers their jokes silently but at significant cost to his dignity, self-esteem and productivity. The work environment has become so hostile for Frank that he is contemplating retirement. Age-related jokes, teasing, taunting and hazing are behaviours that are prohibited by our harassment policy.

## Race-related comments

Steve has started to dislike “hanging out” with his friends at work. Their behaviour toward a new employee, Joe, an Aboriginal man, has been embarrassing and insulting. Steve’s friends have begun telling ethnic jokes and making cruel comments about Aboriginals in Joe’s presence.

Steve realizes that Joe is bothered by their comments. Joe has been very quiet and appears to be losing interest in his work.

Although Steve knows that Joe’s work and attitude have been negatively affected, he doesn’t know what, if anything, he can or should do about it. In fact, he’s beginning to worry about the effect these incidents and interruptions have had on his own performance. He feels that Joe is a hard worker with much potential, but that he won’t last long in this work group.

In this scenario, both Steve and Joe were victims of harassment. Both men have been disturbed and offended by the comments and jokes of their co-workers. The offensive work environment has taken its toll, affecting Joe’s interest in his job and Steve’s ability to concentrate on his work. Racially-based jokes and demeaning or degrading comments create a hostile work environment for both the target of the comments and for other employees who are disturbed or offended when exposed to them. Employees cannot focus on their work when they are distracted and demoralized by an offensive work environment. Racial, ethnic, national origin, gender, religious, age, sexual orientation, political belief or disability-related degrading jokes or comments are prohibited by our policy.

## Mimicking a physical or mental disability

Anthony was severely hurt while playing football in college. Although he now wears braces on his legs, he has learned to overcome much of his physical disability. However, at work he has seen co-workers mimicking his awkward walk and slow pace. Anthony is self-conscious about it and is starting to isolate himself from group projects. His supervisor is becoming concerned about his decreased performance and apparent reluctance to get involved in team initiatives.

Anthony was subjected to harassment, as defined by our policy, in this example. Mimicking, teasing or taunting an individual because of an actual or perceived disability creates a hostile and

intimidating work environment for that person. Being treated as different isolates the individual with the impairment and unreasonably interferes with that person's ability to do his or her job. Attempts at humour at the expense of an individual with an impairment are cruel and offensive. Taunting, mimicking or teasing an individual based on an actual or perceived mental or physical disability is prohibited by our harassment policy.

### **Unwelcome physical contact/ persistent solicitations and tangible employment actions**

Sharon's transfer to her new position in the headquarters building was a smooth experience except that her new supervisor, David, made her uncomfortable. While she never saw him touch other co-workers, it seemed as if he couldn't talk to her without touching her arm or shoulder. She requested, on several occasions, that he refrain from touching her; however, his behaviour did not stop. He repeatedly insisted that she go out with him for drinks and dinner after work. He told her it had taken much of his time and energy to ensure she would progress in the job and he implied that her career potential depended on acceptance of his invitation.

In this scenario, David has violated our harassment policy. Sharon clearly put David on notice that his conduct was unwelcome but he persisted and implied that her acquiescence would have career implications. Unwanted touching or physical contact creates a hostile work environment for the victim and violates our policy. Persistent unwelcome requests to engage in a personal social relationship create an offensive work environment and are violations of our policy. Promising a tangible employment action in return for submission to sexual demands is prohibited by our harassment policy.

### **Sexual innuendoes and sexually explicit conversations**

Jane has worked for the company for almost 10 years. She is known for her quick wit and sexual innuendoes.

Her co-workers, Steve and Al, laugh at Jane's jokes and think she has a great sense of humour. Every Monday morning, the three gather around Jane's desk and share stories about their latest weekend romances. These conversations are usually of a sexual nature and are sometimes quite graphic. Nora sits at a desk next to Jane and though she tries to dismiss the sexually explicit conversations, she is embarrassed and silently fumes.

In this example, Nora has been subjected to harassment, as defined by our policy. Although this type of banter may not be personally offensive to the parties engaging in it, sexually explicit conversations or epithets can be disturbing and offensive to bystanders who hear or witness these exchanges. In this example, the sexual innuendoes and explicit sexual conversations were not offensive to Jane, Steve and Al. However, they did offend and embarrass Nora. Nora is reluctant to express her discomfort with her co-workers' conduct because she does not want to be labeled a prude or to be ostracized by her peers. Sexually graphic comments, innuendoes and epithets are inappropriate in the work environment and are prohibited by our harassment policy.

### **Threatening and intimidating conduct**

Brian and his co-workers dread reporting any type of operating error or problem to Jackie, their unit supervisor. Jackie's typical response in these situations is to launch a barrage of profanity, personally berate employees, throw papers and slam doors. The employees in Jackie's section are intimidated by her behaviour but are reluctant to complain because they fear retaliation by Jackie or her supervisory peers.

In this scenario, Brian and his co-workers have been subjected to harassment, as defined by our policy. Jackie's behaviour has intimidated the entire work group making them fearful and uncomfortable to approach her to discuss work issues. Jackie's behaviour has compromised the group's effectiveness and unnecessarily restricted their ability to do their jobs. Our harassment policy seeks to create a positive and supportive work

# Recognizing harassment (continued)

environment where employees are treated with respect and dignity, where they can develop their full capabilities and make positive contributions to the business. The repeated use of intimidating and threatening behaviours such as yelling, use of profanity, throwing objects or slamming doors creates a hostile work environment and violates the intent of our policy.

## Taunting based on perceived sexual orientation

In Betty's work group, her co-workers' idea of sport is to speculate about her sexual orientation. Male co-workers frequently use innuendoes, double entendres, sexual epithets and explicit sexual references in commenting on her sexual orientation. Betty is offended and disturbed by their behaviour. She hates coming to work but values her job and the security it provides her. Betty is reluctant to complain because she believes it would only exacerbate the taunting and that her co-workers would find subtle ways to retaliate against her and make her work life more difficult.

Betty's co-workers have violated our harassment policy by creating a hostile work environment through their actions. Their taunting and teasing have embarrassed and angered Betty, destroyed her enthusiasm for her job and restricted her ability to concentrate on her work. Degrading jokes, comments or innuendoes related to any aspect of an individual's characteristics, including actual or perceived sexual orientation, create a hostile and offensive work environment and are prohibited by our policy.



The following examples illustrate situations that would not constitute harassment:

Annette and Darryl met while working on a group project. After the first few months they got to know one another fairly well and became good friends. Darryl often invited her to go out for a drink or dinner after work and she gladly accepted.

The company recognizes that friendly relationships do occur between co-workers. Annette and Darryl have voluntarily entered into a mutually agreeable personal relationship that does not adversely affect their job performance nor office environments.

George called his staff into his office and immediately began assigning tasks. "Manuel, you will be the lead on this rush project. Robin and Minh will work the budget analysis section, and Ted can prepare the graphics and slides. I will have lunch brought in...cancel any meetings you had scheduled for today...this package needs to be completed, with slides, tonight. We'll meet in my office at 5:30 p.m. to review the package and decide on what needs to be done to finalize it. I'll need back-up statistics for the numbers referenced...any questions?" With that he left the room and his staff simultaneously groaned, "Here we go again."

While George's management style appears to be demanding and perhaps autocratic, it is clearly within the bounds of what a "reasonable person" would find appropriate in a business context. It is not harassment.

After repeated verbal warnings, Jack's supervisor Ahmed counsels him once again for tardiness and hands him a written warning letter. Jack is upset by the letter and worried that it will affect his employment opportunities. He decides to call human resources and complain that Ahmed is harassing him according to his understanding of the policy's definition of harassment.

The policy does not prohibit appropriate work-related conduct that an individual may find personally offensive or intimidating, such as candid feedback from a supervisor regarding inadequate work performance or counseling for poor attendance. Rather, the policy applies a reasonableness standard, and prohibits behaviour that a reasonable person would find inappropriate in a business context.

# Questions and answers

## 1. What is the objective of the company harassment policy?

The objective of the Harassment in the Workplace policy is to provide a work environment that fosters mutual employee respect and working relationships free of harassment. Supervisors, managers and employees are responsible for maintaining environments free of all forms of harassment. Employees are expected not to tolerate harassment and to report prohibited conduct to supervisors, managers or human resources. Only by maintaining an environment free of harassment can the company create a supportive workplace where employees can develop their full capabilities and make positive contributions to our business objectives. And only by allowing employees to give their best efforts can we achieve our goals of being the most efficient competitor in our industry and increasing the productivity of our workforce.

## 2. Is the workplace only the company's physical premises?

"Workplace" is broadly defined. It includes company premises, company property, off-premise company-sponsored functions, and meals and travel accommodations while on company business. Off-the-job locations are considered an extension of the workplace when off-the-job behaviour creates a hostile work environment or unreasonably interferes with an individual's job performance. For example, repeatedly making unwanted calls that are not work-related, to a co-worker at home is prohibited by the policy if this behaviour creates a hostile work environment.

## 3. What are the company's expectations for each employee under the harassment policy?

The company has several expectations for each employee. First, employees are expected to conform their personal conduct to the provisions of the policy and treat all employees, contractors, customers or suppliers with dignity and respect. Second, employees are expected not to tolerate harassing behaviour directed at them or at their work associates by employees, contractors, customers or suppliers. Employees should make their disapproval known to the person whose behaviour is in question, if they feel comfortable in doing so. Employees should keep a record of unacceptable behaviour and note any witnesses to the incident(s). If the behaviour is not stopped, employees should report it to their supervisors, the offenders' supervisors, management or human resources. If the offensive behaviour is especially egregious, employees should immediately notify their supervisors, management or human resources.

## 4. What are some examples of conduct considered inappropriate under the policy?

Examples of inappropriate behaviour in the work environment include but are not limited to:

- demeaning comments
- cruel comments
- use of profanity
- use of intimidating behaviours such as yelling, slamming doors, or throwing objects
- uninvited and unwelcome requests for dates
- telling of off colour stories

# Questions and answers (continued)

## 5. Would a reasonable person be offended to see inappropriate or sexually explicit material on a co-worker's computer or on a personal electronic device?

Yes, this type of material would create an offensive work environment for the person who is unwillingly or unexpectedly subjected to it.

Company e-mail or internet access is intended for use in conducting company business, not for personal use. A minimal level of incidental personal use of the internet or e-mail to handle personal or family matters is acceptable. While the company routinely blocks inappropriate sites in most locations, it is not possible to block all inappropriate material available on the internet.

Accessing offensive or inappropriate Internet sites is unacceptable. Intentionally accessing, viewing, downloading, receiving, or forwarding sexually explicit material or degrading jokes/ comments is a violation of the *Corporate Assets Policy* and may violate the *Harassment in the Workplace Policy*, whether such use is discovered through an employee complaint, a review of internet access logs, or other means. Such activity subjects the employee to disciplinary action, up to and including termination.

On a regular basis, the company examines computer activity and stored items. Access to the internet or other applications/systems through company equipment is contingent upon compliance with company guidelines and company policies. When inappropriate sites are inadvertently accessed, the individual should immediately close or escape from the site; notify their supervisor or Human Resources; and not show the site to coworkers. Upon receipt of inappropriate e-mail, the individual should delete it after having reported it to their supervisor or Human Resources to ensure that the appropriate steps are taken to prevent future unwanted e-mails.



## 6. Does the company really want to create a climate where employees report on co-workers?

The climate that we want to create is one where harassment is not accepted, tolerated or ignored. To achieve that objective, prompt reporting of harassment is required. We need the help of all employees to do that. Tolerating or ignoring harassment suggests that the behaviour is acceptable and potentially allows more employees to be victimized. Employees are encouraged to caution an individual if the behaviour appears to approach harassment. If the behaviour persists, it should be reported to your or the employee's supervisor, human resources or diversity and equity contact. A report of questionable conduct will not necessarily result in a formal investigation or discipline. It is anticipated that in many cases the supervisor and human resources contact will determine that the offender only needs to be counseled that their behaviour is inconsistent with the policy's intent.

**7. What happens if an employee observes questionable behaviour but isn't certain it constitutes harassment?**

The best approach in this case is to discuss the incident with your supervisor or human resources contact.

**8. What will happen to an employee who witnesses harassment but does not report it?**

Because a violation of the harassment policy has the potential to create serious liability issues for the company, failure to report a suspected violation may result in discipline up to and including termination of employment.

**9. Can I tell my supervisor about a harassment incident off-the-record and request that no action be taken?**

When an individual brings forward a complaint that could potentially be a violation of the policy, the company has an obligation to investigate it and if appropriate, take corrective action. Supervisors cannot keep potential policy violations "off-the-record" nor can they agree to take no action in the face of a possible violation of company policy.

**10. What happens if a good-faith complaint is investigated but harassment is not proven?**

The complainant and the accused will be advised that the investigation could not determine if harassment was committed. Both parties will be advised that the company will continue to monitor the situation so that harassment and retaliation do not occur. Depending on the impact of the complaint on the work group, either one or both of the parties may be reassigned.

**11. What protection is there against false complaints?**

It is our experience that employees generally have not made false complaints. Employees recognize the seriousness of bringing forward harassment allegations and understand that making a false complaint is a violation of our ethics policy. If it is determined during the course of an investigation, that an individual has knowingly filed an untruthful complaint, appropriate disciplinary action will be taken. Discipline for intentionally making a false harassment complaint does not constitute retaliation under the provisions of our policy.

**12. How will the company protect someone from retaliation?**

Through dissemination of the harassment policy and appropriate training of supervisors and employees, the company will seek to prevent retaliation from occurring. If retaliation does occur, the company will treat the act as a policy violation and will impose appropriate discipline on the offender. Further, the company will seek to rectify any retaliatory employment action.

**13. Does a romantic relationship between two employees violate the harassment policy?**

A romantic dating relationship is not harassment because it is mutually agreeable and welcome conduct. Employees working together may have romantic relationships. As long as both parties welcome the relationship and it does not create workplace problems, the personal relationship is not a matter of company concern. There are, however, legitimate company concerns in situations involving a romantic relationship between a supervisor and his/her subordinate. These situations should be avoided.

# Questions and answers (continued)



## 14. Why is a romantic relationship between a supervisor and subordinate a concern for the company?

Supervisors are responsible for objectively making decisions about hiring, training, transferring, evaluating, promoting and terminating employees. The propriety and fairness of these personnel actions may be suspect if a romantic relationship exists between a supervisor and a subordinate. Additionally, under the law, supervisors are viewed as agents of the company. If the romantic relationship is terminated by the subordinate and the supervisor retaliates through an employment action, the company could be held liable for the supervisor's unlawful actions.

## 15. Are contract workers and other non-company workers at the work site covered by the company's harassment policy?

Yes. Harassment by or against contract workers is prohibited by our policy. As a condition of doing business with the company, contract workers are expected to comply with the requirements of our harassment policy. Failure to do so can lead to their being denied access to the site.

## 16. What recourse does an employee have outside of an internal investigation?

Employees who feel they are being subjected to harassment have the right to file a complaint with the human rights commission of the jurisdiction in which they are employed. Time limits for filing such a complaint are counted from the date of the occurrence of the harassment and vary by jurisdiction. Employees should contact their respective commission to determine the time limit for filing.

## 17. Does all behaviour that an individual finds personally offensive automatically constitute harassment?

No. There are some behaviours that an individual may find personally offensive or disturbing that are appropriate in a business setting. These could include counseling for poor performance, discipline for tardiness or being interviewed as part of an audit investigation.



**18. Is it harassment when employees regularly use profanity or obscene references in conversations with each other, if the employees involved are not offended by the language?**

The repeated use of profanity or sexual expletives is not appropriate in the workplace. While the people using the language with each other may be comfortable with it, others who overhear it may be deeply offended. There is a good possibility that this kind of language is not truly welcomed by all participants. Some employees may ignore or even participate in the practice to gain acceptance and avoid being labeled but that does not mean that they might not be deeply offended.

**19. Would a reasonable person be offended by an invitation to dinner on one or two occasions?**

No, and these limited requests would not be considered harassment. However, a reasonable person would be offended or intimidated if the invitations continued despite a clear indication that the recipient had no interest in establishing a personal relationship with the requestor. Repeated unwelcome invitations for dinner dates would create an offensive work environment for the invitee.

**20. When do playful and joking interactions between individuals cross the line and become harassment?**

Interactions can become harassment when they are unwelcome and offensive either to participants or by the “reasonable person” standard. Racial or gender slurs or jokes are considered by the company to be harassing behaviour whether or not they are unwelcome to the participants. Romantic advances or attentions are considered to be harassing if they are unwanted and those behaviours continue.

**21. If my complaint is determined to be valid, will the harasser be fired?**

All employees, including managers, will be subject to corrective action up to and including termination of employment for any act of harassment. The corrective action for each case will be reviewed with diversity and equity personnel to ensure that corrective action is consistently imposed. Depending upon the nature and severity of the offense, corrective action can range from a verbal warning up to and including termination of employment.

**22. What is the responsibility of a manager or employee if harassment is observed or received from a supplier, customer, or contractor?**

The company expects suppliers, customers, contractors and their employees to deal with our employees in an appropriate, business-like manner. If harassment is observed or received, the employee or his/her manager should take actions immediately to stop the behaviour and contact diversity and equity, just as they would if one of our employees were behaving inappropriately. Diversity and equity will advise as to how best to proceed. Steps are taken to ensure that contractors’ employees working on our site are aware of the company’s expectations regarding a harassment-free workplace.

# Questions and answers (continued)

## 23. Why am I being asked to sign a certification card?

The harassment policy is a fundamental code of conduct that directs our actions and behaviour as employees. Along with other key policies and codes of practice, such as our ethics and conflicts of interest policies, the harassment policy reflects the company's strong commitment to integrity, mutual respect and clear standards of behaviour. The harassment certification card is intended to confirm your full understanding of the harassment policy and your agreement to comply with the policy during the course of your employment with the company. The certification card further reinforces the company's determination to foster a work environment that reflects mutual respect for the diversity, dignity, ideas and beliefs of all employees. The company expects all employees to share this commitment.

## 24. What will happen if I don't sign the certification card?

The company is asking you to sign the certification card as a positive statement of your own personal commitment to a work environment that fosters mutual respect among all employees. The company anticipates that all employees will share this commitment. If you have a specific issue or concern with signing the card, you should discuss this privately with your supervisor. As all employees are expected to share the company's commitment to a workplace free of harassment, signing the certification card is considered to be a term of continued employment at Imperial and the ExxonMobil companies in Canada. If you don't sign the card, management will want to understand what aspect of the harassment policy is of concern to you. Continued refusal to sign the card will be brought to the attention of higher levels of management who will determine corrective action, up to and including termination of employment.

## 25. What are some examples of conduct considered bullying?

Bullying usually involves repeated incidents or a pattern of behaviour that is intended to intimidate, offend, degrade or humiliate a particular person. Examples of bullying behaviour in the work environment include but are not limited to:

- Verbal aggression (e.g. yelling)
- Insults or put downs
- Spreading gossip or rumours
- Belittling of a personal nature
- Making jokes or comments that are offensive to the person
- Intimidating with words or actions such as standing too close, or making inappropriate gestures
- Making personal attacks, based on someone's private life and/or personal traits
- Deliberate efforts to undermine or interfere with an employees work

Bullying does not include expressing differences of opinion; offering constructive feedback, guidance, or advice about work-related behaviour; reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment (e.g., managing a worker's performance, taking reasonable disciplinary actions, assigning work).

It is your responsibility to help our workplace be free of harassment. Your cooperation and commitment to the harassment policy's objectives are essential if we are to reach this important business goal.

If you have questions, please address them with your supervisor or local Human Resources contact.



