



Harassment & Bullying Policy

01082025



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January 8th, 2025

Dear Market Tire and Arrow Tire Team:

Our workplace thrives on mutual respect, trust, and collaboration. By upholding these principles, we can create an environment where everyone feels secure and empowered to contribute to our shared success.

We are very thankful to the Joint Occupational Health and Safety Committee, the Harassment and Bullying Policy sub-committee, Patrick Clarke (H.R. Manager), and the Motor Safety Association (MSA) for their invaluable contributions to the creation of this policy.

At Market Tire (1976) Ltd., we are committed to fostering a safe, respectful, and inclusive workplace for all employees. It is essential that everyone feels valued and supported in their roles with Market Tire and Arrow Tire.

Thank you for your commitment to maintaining a positive and respectful workplace.

Sincerely,

Brian Hoiness

Brian Hoiness
President of Market Tire (1976) Ltd.

Greg Hoiness

Greg Hoiness
Vice President of Arrow Tire Wholesale

Brent Hoiness

Brent Hoiness
Vice President of Market Tire Retail

1.1 - Introduction – Harassment & Bullying Policy

All Market Tire constituents, whether employee, customer, vendor or recipient of services provided by Market Tire, are held to a high standard of protecting and honouring the dignity of all people. Any instance of harassing or bullying behaviour is an affront to this high standard and is therefore unacceptable. The negative effects of such behaviour include, but are not limited to:

For the individual

- Ill health (physical, mental and emotional)
- Loss of self-respect and confidence
- Hampered ability and will in relating with others
- Feelings of isolation and a sense of being excluded
- A sense of distrust

For the workplace

- Low morale
- Hampered relationships with co-workers
- Reduced quality of service delivery
- Absenteeism
- Turnover
- Reputational damage

These negative effects reach into the community and the affected individual's personal and home life. Market Tire's Harassment & Bullying Policy aims to mitigate such actions and ill-effects by reinforcing the dignity of each person we encounter.

Market Tire reserves the right to edit, alter, or otherwise change policies and passages in this policy at any time, without prior notice to employees. Market Tire commits to notifying all personnel of material changes to its policies.

This policy is applicable to Employees & Managers (*for the purposes of this policy, both will be referred to collectively as 'workers'*) of Market Tire. This version (2024) supersedes any prior versions of harassment & bullying policy published by Market Tire.

This policy does not extend to harassment and bullying that may arise out of circumstances unrelated to a worker's employment or work environment.

For example – this policy does not apply when harassing and bullying behaviours occur between non-managerial ¹ workers during a social gathering that is not organized or sponsored by Market Tire.

However, harassment or bullying that occurs in a setting that arises from the request of the employer (e.g., workers attending a conference, attending a staff Christmas party, or working at an off-site location) is covered.

¹ **Non-managerial** – this exemption does not apply to managers. All interactions between managers and non-managerial workers inside and outside the workplace will be covered by this policy.

1.2 – Definitions

For the purposes of this policy, the following definitions will apply:

Alleged Harasser – a worker, or third-party individual, named by the complainant as having engaged in harassment and bullying by contravening this policy

Complainant – a worker, or third-party individual, who makes a complaint against an alleged harasser

Market Tire – all Market Tire and Arrow Tire locations

Good faith – dealing honestly with an intention to seek a mutually beneficial resolution

Inappropriate or unjustifiable – a conduct, comment, display, action or gesture that is recognized as being inappropriate or unjustified according to the standard of an objective person i.e., *would an objective person who is not directly involved in the situation being described, know that this kind of conduct would be unwelcome in the workplace?*

Work Environment - all Market Tire and Arrow Tire locations, and any off-site location where work on behalf of Market Tire is carried out (e.g., attending a work-related conference, celebration etc.)

Worker – any employee and manager

1.3 – Market Tire Statement of Commitment

Every worker is entitled to a work environment free of harassment and bullying. Market Tire is committed to ensuring a productive environment where the dignity and worth of every person is respected. Harassment and bullying will not be tolerated, and Market Tire will take all reasonable steps to prevent harassment and bullying and stop it if it occurs.

Market Tire will take all complaints of harassment and bullying seriously. Market Tire is committed to implementing this policy and to ensuring it is effective in preventing and stopping harassment and bullying, as well as creating a productive and respectful workplace.

This commitment includes:

A – Informing all Market Tire workers of their rights and obligations

- A copy of the harassment and bullying policy will be provided to all workers
- Workers will acknowledge in writing that they have received, read and understand the policy
- A copy of the harassment and bullying policy will be posted on the Market Tire website
- The Market Tire statement on harassment and bullying will be posted on the Market Tire website, making it accessible to all workers and the public

B – Training all workers in implementing the harassment and bullying policy

- All Market Tire managers and supervisors will set a good example and help foster a respectful workplace
- When first implemented, all workers will meet to review the policy in an open forum
- Managers and supervisors will give copies to and review the policy with new employees as part of the onboarding process
- People designated to receive and resolve complaints will be trained in their roles and responsibilities
- A list of people designated to receive complaints shall be posted on the Market Tire website

C – Assigning responsibility for implementing this policy

- Market Tire will designate the Human Resources Manager to receive harassment and bullying complaints and assist in facilitating the resolution process
- When a formal investigation is required, Market Tire shall designate those who will investigate harassment and bullying complaints
- When corrective action is required, Market Tire will designate those who will be authorized to take corrective action in accordance with this policy
- Market Tire will designate the Human Resources Manager to gather and compile information (documenting incidents, surveying employees and managers etc.) with an aim to monitor, and when appropriate, recommend the revision of procedures to ensure the effectiveness of the policy as intended

D – Protecting workers trying to prevent or stop harassment and bullying

- Harassment and bullying complaints and investigations will be held in the strictest confidence except where disclosure is necessary to investigate the complaint, take corrective action or as required by law
- Action will be taken to prevent reprisal ² against people who make a harassment and bullying complaint in good faith ³ and where it has been found that reprisal was taken against people who made a complaint in good faith, the perpetrator of such reprisal will be subject to action in accordance with **4.4 – Disciplinary Action**

E – Promptly taking action necessary to stop and prevent harassment and bullying

- Appropriate action, sufficient to ensure the harassment stops and does not happen again, will be taken against people who are or were engaged in, or participated in, harassment or bullying
- Such appropriate action may include termination of employment
- When necessary, contractors or other visitors (e.g., vendor reps) will be informed certain conduct will not be tolerated

F – Ensuring the policy remains current

- This policy will undergo a formal review process, and if appropriate, be updated and revised every three (3) years

² **Reprisal** – an attempt by another party to intimidate a complainant by making the complainant feel powerless or regret complaining. It may include, but is not limited to: threats, gossip, defamation, demotion, exclusion, silent treatment etc.

³ **Good Faith** - complainants are expected to act in good faith. Where an investigation finds a complainant has knowingly made a false allegation, the complaint will be deemed as being malicious in nature and the complainant will be subject to appropriate discipline.

1.4 - What is Harassment and Bullying?

This policy covers the following:

Harassment and bullying on Prohibited Grounds – This includes any inappropriate conduct, comment, display, action or gesture by a person that:

- Is made on the basis of religion, creed, marital status, family status, sex, sexual orientation, disability, age, colour, ancestry, nationality, place of origin, race or perceived race, receipt of public assistance, gender identity, physical size or weight; and
- Constitutes a threat to the health or safety of the worker.

This type of harassment and bullying is prohibited in *The Saskatchewan Employment Act (SEA)*, and *The Saskatchewan Human Rights Code (SHRC)*.

Sexual Harassment – Harassment also extends to sexual harassment, which is a conduct, comment, gesture or contact of sexual nature that is offensive, unsolicited or unwelcome.

Sexual harassment may include (but is not limited to):

- A direct or implied promise of promotion or opportunity in exchange for some sexual favour *'quid pro quo'*;
- A direct or implied threat of reprisal for refusing to comply with a sexually-oriented request;
- Unwelcome remarks, jokes, innuendos, propositions or taunting about a person's body, attire, sex, sexual orientation or gender identity;
- Displaying pornographic or sexually explicit pictures or materials;
- Unwelcome physical contact;
- Unwelcome invitations or requests, direct or indirect, to engage in behaviour of a sexual nature; or
- Refusing to work with or have contact with workers because of their sex, gender identity or sexual orientation.

Personal Harassment & Bullying – This includes any inappropriate conduct, comment, display, action or gesture by a person that:

- Adversely affects a worker’s psychological or physical well-being; and
- The perpetrator knows or ought to reasonably know would cause the worker to be humiliated or intimidated.

Personal harassment and bullying must involve repeated conduct or a single, serious incident that causes a lasting harmful effect on the worker. All incidents of inappropriate conduct should be appropriately addressed to ensure that the workplace remains respectful and free of harassment and bullying.

Personal harassment and bullying may include:

- Acts of commission (as outlined below) and/or omission (i.e., withholding of resources or information);
- Verbal or written abuse or threats;
- Insulting, derogatory or degrading comments, jokes or gestures;
- Making fun of a person’s appearance, disfigurement, manner of speaking, etc.;
- Personal ridicule or malicious gossip;
- Unjustifiable interference with another’s work or work sabotage;
- Unjustifiably refusing to work or co-operate with others;
- Unjustifiably excluding others from workplace gatherings, email threads, work projects etc.; or
- Interference with or vandalizing personal property.

Personal opinions and positions on topics:

Having an opinion on a particular topic, even an opinion formed by one’s religion, is not a protected ground under Human Rights.

For example, a member of a particular religion is protected by Human Rights when it comes to the employer scheduling work on days that are sacred in that religion. For instance, some religions revere Saturdays and adherents are to refrain from working.

This person is not protected from fellow co-workers expressing the opinion that a different day of the week is sacred. However, if the expressing of these opinions devolves into the behaviours outlined above, it can be characterized as personal harassment of either opinion holder.

The same is true for any deeply held position regarding politics and personal beliefs.

In short, the expressing of opinions and disagreements in and of themselves do not constitute personal harassment. If the expression of an opinion or a disagreement involves behaviours, like those noted above, comments may very well constitute personal harassment.

1.5 – What is Not Harassment and Bullying?

This policy does not extend or apply to day-to-day management or supervisory decisions involving:

- work assignments;
- job assessment and evaluation;
- workplace audits and the enforcement of policies;
- Implementation of appropriate dress codes and disciplinary action, up to and including termination.

These actions, carried out in good faith, are not harassment or bullying, even if they sometimes involve unpleasant consequences.

Managerial decisions and actions, an exercising of legitimate authority, must be carried out in good faith and in a manner that is reasonable and not abusive.

Other situations that do not constitute harassment or bullying include:

- Physical contact necessary for the performance of the work using accepted work standards;
- Conduct which all parties agree is inoffensive or welcome; or
- Constructive conflict or disagreements in the workplace, where the conflict or disagreement is not based on the prohibited grounds.

2 – Worker’s Duty

In accordance with Part III of *The Saskatchewan Employment Act*, all workers, including managers and supervisors employed by Market Tire shall refrain from causing or participating in the harassment or bullying of another worker, customer or visitor and cooperate with any person investigating harassment and bullying complaints.

3 – Complaint Procedure Options

Nothing in this policy prevents or discourages a worker from referring a harassment and bullying complaint to the Saskatchewan Occupational Health & Safety Division under *The Saskatchewan Employment Act* and regulations. A worker may also file a complaint with the Saskatchewan Human Rights Commission under *The Saskatchewan Human Rights Code*. A worker also retains the right to exercise any other legal avenues available.

3.1 - First Option – No Alleged Harasser Named & Informal Resolution Sought

Step 1: The individual reports an incident or concern to the Human Resources Manager

Step 2: The Human Resources Manager reviews the procedures with the complainant, providing information on the other two available options, and informs the immediate supervisor

Step 3: The immediate supervisor, takes action to address the complaint in a general way

Such action may include (but is not limited to):

- Addressing and reviewing this policy with staff; or
- Providing workshops or resource materials (videos and/or written material) on the prevention of harassment and bullying

Step 4: The immediate supervisor or Human Resources Manager informs the complainant of the action that will be taken to address the concern

3.2 - Second Option – Alleged Harasser Named & Informal Resolution/Mediation Sought

Step 1: The individual reports an incident or concern to the Human Resources Manager. The complaint is to be submitted in writing, using the Harassment and Bullying Complaint Form (Attached).

The complainant is to indicate the type of informal resolution sought, such as:

- An apology
- Supervisory training or counselling
- Facilitated meeting with the alleged harasser

- Workshops or training sessions on harassment and bullying

Step 2: The Human Resources Manager reviews the procedures with the complainant, providing information on the other available option and informs the immediate supervisor. The Human Resources Manager will meet privately with the alleged harasser to review the complaint and determine whether there is agreement on a resolution or resolution process.

Step 3: Where there is agreement on the resolution or resolution process, the Human Resources Manager informs the immediate supervisor, of the agreement and facilitates the agreed-upon resolution or process.

Step 4: Where the complainant and alleged harasser agree to a resolution, the immediate supervisor or Human Resources Manager, follows up with the complainant to ensure the resolution was effective in stopping and preventing further harassment and bullying. Where the complainant indicates the harassment and bullying has not ended, the immediate supervisor or Human Resources Manager, counsels the complainant to pursue the third option which includes an investigation.

3.3 - Third Option – Alleged Harasser Named & Formal Investigation Required

Step 1: The individual reports an incident or concern to the Human Resources Manager. The complaint is to be submitted in writing, using the Harassment & Bullying Complaint Form (attached).

Step 2: The Human Resources Manager reviews the procedures with the complainant and provides a copy of the Harassment & Bullying Complaint Form to the immediate supervisor. The Human Resources Manager provides a copy of the Harassment & Bullying Complaint Form to the alleged harasser and reviews the procedures with the alleged harasser.

Step 3: The immediate supervisor and the Human Resources Manager and other relevant parties review the complaint and determine whether conduct falls within the harassment and bullying policy. The group will discern whether there are resolution options, other than an investigation, acceptable to the complainant and the alleged harasser. This group will make a recommendation to Market Tire for a formal investigation, should they deem it appropriate.

Step 4: When an investigation is required, the Market Tire will approve the contracting of an investigator external to Market Tire.

Investigations must be carried out in accordance with the following guidelines:

- The investigation commences and concludes as soon as reasonably possible
- Witnesses are interviewed separately and written witness statements prepared
- Witnesses are asked to review and sign their written statements
- Witnesses are advised to keep the investigation and the identity of the complainant and alleged harasser in confidence, unless required by law to disclose them
- The complainant and alleged harasser are entitled to legal counsel
- During the investigation, both the complainant and the alleged harasser are entitled to be informed ⁴ of all the allegations and allowed to respond

Step 5: Once the investigation is complete, investigators will prepare a written report setting out a summary of the evidence, a description of any conflict in the evidence, conclusions and reasons for reaching those conclusions, as well as the recommended corrective action ⁵ if harassment and bullying has occurred.

The report will be delivered to Market Tire, the immediate supervisor, the Human Resources Manager, the complainant and the alleged harasser. The report will be marked 'confidential' and delivered with the notation that it is to be kept in confidence unless disclosure is required by law or is necessary to take corrective action.

Step 6: Those who receive the report will then:

- Take appropriate corrective action
- Inform the complainant and harasser of the corrective action
- Inform the complainant of their right to file a complaint with the Saskatchewan Occupational Health & Safety Division or The Saskatchewan Human Rights Commission

Step 7: Those who receive the report will follow up with the complainant to ensure that the corrective action was effective. If the complainant indicates harassment and bullying has not ended, or suffers reprisal, then further correctional action will be taken, which may include further investigation.

⁴ **Entitled to be informed:** does not mean either party is entitled to see or receive copies of the complete statements. However, both are entitled to see or receive an adequate summary of the evidence to make a full response.

⁵ **Corrective Action:** if the corrective action taken by Market Tire is different from the action recommended in the report, those who receive the report shall provide reasons for not taking the investigator's recommended action.

3.4 - Confidentiality

14 - Regardless of which Complaint Procedure Option is taken, Market Tire or anyone acting on behalf of Market Tire, will not disclose the name of the complainant or the alleged harasser, nor any information that may identify them, unless, the disclosure of such information is necessary to conduct the investigation, implement corrective action or pursue legal remedies.

Any documents and statements obtained during the course of the investigation, including names and copies of witness statements, should not be disclosed to any person unless required by law.

3.5 - Interim Action

An immediate supervisor may have grounds to believe a complainant will be exposed to continued harassment and bullying or reprisal while waiting for the investigation or resolution process to occur. The immediate supervisor must take immediate action to protect the worker from continued harassment and bullying or reprisal. Any interim action should respect the rights and the dignity of the alleged harasser and in no way contravene the employment contract of the alleged harasser.

Considering the above, an immediate supervisor's action may include:

- Cautioning the alleged harasser about the types of behaviour that will not be tolerated;
- Assigning duties to the alleged harasser that will limit their exposure to the complainant, so long as the assigned duties do not suggest that the alleged harasser has been demoted or that the alleged harasser has been found guilty and is being disciplined; and
- Suspending the alleged harasser with pay while waiting for a final determination.

4 – Taking Action to Stop and Prevent Harassment & Bullying

In taking action to stop harassment and bullying and to prevent its reoccurrence, Market Tire will be guided by the following:

4.1 - Individual Awareness & Counselling

People may not be aware of the effects of their behaviour. In many cases, simply speaking to the alleged harasser in private about the inappropriate behaviour will help to resolve the situation.

In certain situations, it may be more effective to arrange and facilitate a meeting between the complainant and alleged harasser. Complainants should not be encouraged to confront the alleged harasser when:

- The complainant is reluctant,
- The alleged harassment is of a serious nature; or,
- The alleged harasser denies the alleged conduct.

4.2 - Workers' Awareness & Counselling

Standards of behaviour change over time. Some individuals or whole groups may not be aware that some behaviours that were acceptable in the past, are no longer acceptable. Gathering workers for an awareness session may be helpful to correct problems based on a lack of awareness. Relevant videos, lectures and facilitated group discussions may increase awareness of behaviours that are unacceptable and the reasons for the changes.

4.3 - Mediation

Mediation offers both parties the opportunity to develop an understanding of the problem and resolve the complaint before or during the formal investigation process. The mediator facilitates separate discussions or joint meetings between the complainant and the alleged harasser.

Mediation may take place at any point in the resolution process as long as both parties agree to participate.

4.4 - Disciplinary Action

A worker who has knowingly engaged or participated in the harassment and bullying of a coworker will be disciplined. Disciplinary action will be administered in such a way that it honours and upholds the dignity of both the complainant and the harasser.

Discipline may include:

- Reprimand
- Work reassignment
- Demotion
- Suspension without pay
- Termination of employment

The severity of discipline will depend on:

- Whether the conduct is an offence under the *Criminal Code of Canada*;
- Whether the conduct is an offense under the *Saskatchewan Employment Act* or *The Saskatchewan Human Rights Code*;
- The extent of the injury caused to the complainant;
- Whether the harasser persisted in behaviour that was known to be offensive to the complainant;
- Whether the harasser abused a position of authority;
- Whether the harasser acknowledges that the conduct was unacceptable and makes a firm commitment to refrain from future harassment;
- Whether the harasser has apologized to the complainant or taken action to repair any harm; or
- Whether the harasser has agreed to participate in awareness sessions, training or other recommended counselling or treatment.

5 – Third-party Harassers & Bullies

This policy covers harassment and bullying connected to any matter or circumstance arising out of the worker's employment or work environment. Customers, outside contractors and vendors, persons in need, and visitors could harass or bully an employee.

Market Tire will have limited ability to investigate or control third-party conduct. However, Market Tire shall take reasonably practicable action to stop or reduce the risk to its workers of being harassed or bullied by third parties.

Actions may include:

- Clearly stating that such conduct is strictly prohibited
- Clearly stating that should such conduct continue, services may be declined
- Authorizing workers to politely end telephone conversations, decline service, and ask customers, vendors and visitors to leave the work environment

6 - Acknowledgement of Receipt and Understanding

I, _____, hereby acknowledge and declare that:

- I have received, read and understand the policies contained in the Market Tire (1976) Ltd. Harassment & Bullying Policy
- I acknowledge that Market Tire reserves the right to edit, alter, or otherwise change policies or passages in this policy, without prior notice to workers with the understanding that:
 - Market Tire is not obligated to make workers aware of immaterial changes, as it relates to grammar, punctuation, sentence structure with an aim to increase clarity that does not result in a substantive change to the policy, its interpretation and application; and
 - Market Tire will notify, and make workers aware of any material changes made to this policy that results in a substantive change to the policy, its interpretation and application
- I am aware that in the event an aspect of this policy conflicts with statutory laws in the province of Saskatchewan, those laws will govern
- I, in accordance with Part III of The Saskatchewan Employment Act, understand that all workers, including myself, employed by Market Tire shall:
 - refrain from causing or participating in the harassment of another worker, customer or visitor; and
 - co-operate with any person investigating harassment complaints.
- I fully understand that it is my responsibility to familiarize myself with this policy and any future revisions

Worker Signature

Date

This page is to be signed, dated, removed from the H&B Policy and placed in the Employee's Personnel File.