

Breckenhill Inc. DEI Commitment and Policy

Breckenhill Policy on Human Rights Code-Based Discrimination & Harassment

Effective Date: 01/02/24

Reviewed Date: 01/02/25

References:

- *Human Rights Code*, R.S.O. 1990, c. H.19
 - *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1
 - Section 6.3 of the Rules of Professional Conduct (“Sexual Harassment”)
 - Section 6.3.1 of the Rules of Professional Conduct (“Discrimination”)
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PURPOSE:

Breckenhill is committed to providing an environment free of discrimination and harassment, where all individuals are treated with respect and dignity, can contribute fully, and have equal opportunities.

The purpose of this policy is:

- to identify the types of behavior prohibited by this policy
- to provide procedures to follow when complaints of discrimination or harassment made by partners or employees of Breckenhill arise
- to ensure that all partners and employees of Breckenhill are aware that harassment and discrimination are unacceptable practices incompatible with our company standards, and a violation of the law

¹ “Code-based” harassment is a separate policy from “workplace sexual harassment” because the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1 sets out distinct requirements for reporting and investigating complaints of workplace harassment. An employer is therefore entitled to have a different (and perhaps less onerous) procedure for Code-based harassment.

- to ensure that all partners and employees of Breckenhill recognize that under the Rules of Professional Conduct (section 6.3.1-1), a licensee has a special responsibility to respect the requirements of human rights laws in Ontario and:

“to honor the obligation not to discriminate on the grounds in the Ontario Human Rights Code), with respect to professional employment of other lawyers, articulated students, or any other person or in professional dealings with other licensees or any other person.”

SCOPE:

This policy:

- applies at every level of Breckenhill, and extends to all partners, employees (including full-time, part-time, temporary, probationary, casual and contract staff) and students
- applies to every aspect of the employment relationship, including recruitment, selection, promotion, transfers, training, salaries, benefits, discipline and performance appraisals
- applies to the physical offices of Breckenhill
- extends outside of the offices of Breckenhill (such as off-site client meetings, business travel, firm-sanctioned social events and to electronic communications)

PROHIBITED CONDUCT:

Breckenhill upholds and supports the right to equal treatment without discrimination or harassment. Discrimination and harassment are prohibited by sections 5(1) and 5(2) of the *Human Rights Code* (“the Code”). This Policy prohibits discrimination or harassment on the basis of the following grounds, and any combination of these grounds:

- Age
- Creed (includes religion)
- Sex (including pregnancy and breastfeeding) *
- Gender Identity* and Gender Expression*
- Sexual Orientation*
- Family status (such as a parent-child relationship)
- Marital status (including the status of being married, single, widowed, divorced, separated, or living in a conjugal relationship outside of marriage, whether in a same sex or opposite sex relationship)
- Disability (including mental, physical, developmental, or learning disabilities)
- Race
- Ancestry
- Place of origin

- Ethnic origin
- Citizenship
- Color
- Record of offences (criminal conviction for a provincial offence, or for an offence for which a pardon has been received) (applies to employment only)
- Association or relationship with a person identified by one of the above grounds
- Perception that one of the above grounds applies.

*Note that harassment on these * grounds have distinct requirements under OHSA – see “Workplace Harassment Policy” below.

Anyone at Breckenhill found to have engaged in conduct constituting *Code*-based discrimination and/or harassment may be subject to disciplinary action, up to and including termination.

DEFINITIONS:

Discrimination and harassment are defined as:

Discrimination:

Refers to any form of unequal treatment based on Code grounds, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but have the effect of disadvantaging certain groups of people. Discrimination may take obvious forms, or it may occur in very subtle ways. In any case, even if there are many factors affecting a decision or action, if discrimination is one factor, that is a violation of this policy.

Harassment:

Section 10(1) of the *Human Rights Code* defines “harassment” as: **engaging in a course of vexatious comment or conduct that is known, or ought reasonably to be known, to be unwelcome**. It is directed at a person who identifies with the Code grounds listed above. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning, or unwelcome.

According to this definition of harassment, more than one event, or a “course of vexatious comment or conduct” must take place for there to be a violation of the Code. However, one incident could be significant or substantial enough to be interpreted as harassment. In fact, Rule 6.3-0 of the Rules of Professional Conduct explicitly state that “sexual harassment is **one incident or a series of incidents** involving unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.”

One incident could be interpreted by an individual as having an impact that is substantial enough to create a “poisoned environment”. A key element of harassment is the way in which an individual “perceives” the harassing incident.

Therefore, even if the comment or conduct was not intended to be harassment, it may be considered harassment if it has had the effect of unreasonably interfering with the employee’s work performance or creating an intimidating, humiliating, hostile or offensive environment.

A few common examples of harassment may include, but are not limited to:

- Making remarks, jokes or innuendos related to a person’s race, disability, creed, age, or any other ground.
- Posting or circulating offensive pictures, graffiti, or materials, whether in print or via e-mail or other electronic means.
- Singling out a person for humiliating or demeaning “teasing” or jokes because they are a member of a group protected under the *Human Rights Code*.
- Ridiculing a person because of characteristics that are related to a ground of discrimination. For example, this could include comments about a person’s dress, speech or other practices that may be related to their race, disability, or creed.

REPORTING WORKPLACE HARASSMENT

This section outlines reporting workplace harassment for *Human Rights Code*-Based Discrimination and/or Harassment (For Other Workplace Harassment, including Sexual Harassment, see “Workplace Harassment Policy” Below).

Breckenhill encourages the reporting of all incidents of harassment and discrimination, regardless of who the alleged offender(s) might be.

All employees have a right to freedom from reprisals or threat of reprisals for refusing to accept harassment in any form, for making a formal complaint or cooperating in an investigation.

1. How to Report Workplace Harassment:

Partners or employees can report incidents or complaints of *Code*-based discrimination and/or harassment verbally or in writing.

The report of the allegation(s) should include the following information:

- a) Name(s) of the person who has allegedly experienced *Code*-based discrimination and/or harassment and contact information
- b) Name of (any) alleged harasser(s), position and contact information (if known)
- c) Names of the witness(es) (if any) or another person(s) with relevant

- information to provide and contact information (if known)
- d) Details of what happened including date(s), frequency and location(s) of the alleged incident(s) a. Any supporting documents the person who complains of *Code*-based discrimination and/or harassment may have in his/her possession that are relevant to the complaint.
 - e) List any documents a witness or another person may have in their possession that are relevant to the complaint.

1. Who to Report Workplace Harassment To:

An incident or a complaint of workplace harassment should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.

Complainants are encouraged to report any incidents or complaints of *Code*-based discrimination and/or harassment to the President. If this is the person engaging in discrimination/ harassment, contact the Chief Executive Officer.

The President shall be notified of the workplace harassment incident or complaint so that they can ensure an investigation is conducted that is appropriate in the circumstances.

The President will be responsible for investigating the specific complaint promptly.

INVESTIGATING COMPLAINTS

1. Commitment to Investigate

Breckenhill will ensure that an investigation appropriate in the circumstances is conducted when any executive, manager or supervisor receives a complaint of workplace harassment. Complaints or incidents of workplace harassment will be investigated in a fair, respectful, and timely manner.

2. Who Will Investigate

The President will determine who will conduct the investigation into the incident or complaint of workplace harassment. Depending on the allegations and the people involved, the investigation may be referred to an external investigator to conduct an impartial investigation.

3. Timing of the Investigation

The investigation must be completed in a timely manner, generally within 90 days or less, unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation.

4. Results of the Investigation

After an investigation is completed, the parties to a complaint may be informed in writing of the results of the investigation and any corrective action taken or will be taken by Breckenhill.

5. Confidentiality

Information about complaints and incidents shall remain confidential. Information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect employees, to investigate the complaint or incident or to take corrective action or otherwise as required by law.

(*In compliance with the *Occupational Health and Safety Act*, XYZ has separate policies with respect to:

- Workplace harassment (including workplace sexual harassment) (below).
- Workplace violence (below).

Workplace Harassment Policy (Including Sexual Harassment)

Effective

Date:01/02/24

Reviewed By:

01/02/25

References:

- *Human Rights Code*, R.S.O. 1990, c. H.19
 - PART III.0.1 of the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1
 - Section 6.3 of the Rules of Professional Conduct (“Sexual Harassment”)
 - Section 6.3.1 of the Rules of Professional Conduct (“Discrimination”)
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PURPOSE:

Breckenhill is committed to providing an environment free of harassment, where all individuals are treated with respect and dignity, can contribute fully, and have equal opportunities.

The purpose of this policy is:

- To ensure that Breckenhill meets its obligations under the *Human Rights Code* (“the Code”) and the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1 (OHSA) to prevent workplace harassment, including sexual harassment
- to ensure that all partners and employees of Breckenhill are aware that workplace harassment is unacceptable and incompatible with the standards of this organization, as well as being a violation of the law
- to set out the types of behavior that may be considered offensive and that are prohibited by this policy
- to provide the procedure that will be followed to deal with complaints of workplace harassment made by partners or employees of Breckenhill.

SCOPE:

This policy:

- applies at every level of Breckenhill, and extends to all partners, employees (including full-time, part-time, temporary, probationary, and casual and contract staff), and students
- applies to the physical offices of Breckenhill
- extends outside of the offices of Breckenhill (such as to off-site client meetings, business travel, and firm-sanctioned social events, and to electronic communications)

PROHIBITED CONDUCT

Workplace harassment will not be tolerated by any person in the workplace (including fellow employees or partners, clients, other employers, supervisors, and members of the public).

Anyone at Breckenhill found to have engaged in workplace harassment may be subject to disciplinary action, up to and including termination.

WHAT IS WORKPLACE HARASSMENT?

“Workplace harassment” is defined in the OHSA as:

engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome or workplace sexual harassment.

“Workplace sexual harassment” is defined in OHSA as:

- a. engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or*
- b. 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.*

Reasonable action taken by Breckenhill relating to the management and direction of partner or employees or the workplace is not workplace harassment.

REPORTING WORKPLACE HARASSMENT

1. How to Report Workplace Harassment:

Partners or employees can report incidents or complaints of workplace harassment verbally or in writing. When reporting verbally, the reporting contact, along with the person complaining of harassment, will fill out a complaint form.

The report of the incident should include the following information:

- a) Name(s) of the person who has allegedly experienced workplace harassment and contact information
- b) Name of the alleged harasser(s), position and contact information (if known)
- c) Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known)
- d) Details of what happened including date(s), frequency, and location(s) of the alleged incident(s) a. Any supporting documents the person who complains of harassment may have in his/her possession that are relevant to the complaint.
- e) List any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint.

2. Who to Report Workplace Harassment To:

An incident or a complaint of workplace harassment should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.

Partners and employees are encouraged to report any incidents or complaints of workplace harassment to the President. If the President is the person engaging in the workplace harassment, contact the Chief Executive Officer.

The President shall be notified of the workplace harassment incident or complaint so that they can ensure an investigation is conducted that is appropriate in the circumstances. Depending on the nature of the allegations and the people involved, an external person qualified to conduct a workplace harassment investigation who has knowledge of the relevant workplace harassment laws will be retained to conduct the investigation.

All incidents or complaints of workplace harassment shall be kept confidential except to the extent necessary to protect employees, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

INVESTIGATING COMPLAINTS

1. Commitment to Investigate

Breckenhill will ensure that an investigation appropriate in the circumstances is conducted when any executive, manager or supervisor becomes aware of an incident of workplace harassment or receives a complaint of workplace harassment. Complaints or incidents of workplace harassment will be investigated in a fair, respectful, and timely manner.

2. Who Will Investigate

The President will determine who will conduct the investigation into the incident or complaint of workplace harassment. Depending on the allegations and the people involved, the investigation may be referred to an external investigator to conduct an impartial investigation.

3. Timing of the Investigation

The investigation must be completed in a timely manner and generally within 90 days or less unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation.

4. Investigation Process

The person conducting the investigation whether internal or external to the workplace will, at minimum, complete the following:

- a. The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
- b. The investigator must thoroughly interview the employee who allegedly experienced the workplace harassment and the alleged harasser(s), if the alleged harasser is an employee of the employer. If the alleged harasser is not a partner or an employee, the investigator should make reasonable efforts to interview the alleged harasser.
- c. The alleged harasser(s) must be given the opportunity to respond to the specific allegations raised by the complainant. In some circumstances, the person who allegedly experienced workplace harassment should be given a reasonable opportunity to reply.

- d. The investigator must interview any relevant witnesses employed at Breckenhill who may be identified by either the employee who allegedly experienced the workplace harassment, the alleged harasser(s) or as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by Breckenhill if there are any identified.
- e. The investigator must collect and review any relevant documents.
- f. The investigator must take appropriate notes and statements during interviews with the worker who allegedly experienced workplace harassment, the alleged harasser, and any witnesses.
- g. The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the person who allegedly experienced the workplace harassment, the response from the alleged harasser, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and conclude about whether workplace harassment was found or not.

2. Results of the Investigation

Within 10 days of the investigation being completed, the employee or person who allegedly experienced the workplace harassment and the alleged harasser, if he or she is an employee of Breckenhill, will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by Breckenhill to address workplace harassment.

3. Confidentiality

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect employees, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is on-going, the person who has allegedly experienced harassment, the alleged harasser(s) and any witnesses should not to discuss the incident or complaint or the investigation with each other or other employees or witnesses unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

All records of the investigation will be kept confidential.

4. Handling Complaints

It may be necessary to take interim measures during the investigation, including having persons involved in the investigation to move workstations, or in the case of serious allegations, remain off work.

If the investigator(s) concludes that the harassment occurred, the harasser may be disciplined, up to and including termination of employment.

RECORD KEEPING

The President will keep records of the investigation including:

- a) a copy of the complaint or details about the incident.
- b) a record of the investigation including notes.
- c) a copy of the investigation report (if any).
- d) a summary of the results of the investigation that was provided to the employee or partner who allegedly experienced the workplace harassment and the alleged harasser if a partner or employee of Breckenhill.
- e) a copy of any corrective action taken to address the complaint or incident of workplace harassment.

All records of the investigation will be kept confidential. The investigation documents, including this report, should not be disclosed unless it is necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise as required by law.

Records will be kept for a minimum of one year after the conclusion of the investigation.

No one is to be penalized or disciplined for reporting an incident or for participating in an investigation involving workplace harassment.

ANNUAL TRAINING

Each year (at a minimum), Breckenhill will review this policy and provide training on this policy.

Accommodation Policy and Procedure

(For accommodation of employees or applicants for employment, see also “Policy Re: *Integrated Accessibility* under the *Accessibility for Ontarians with Disabilities Act*,” below)

Effective

Date:01/02/24

Reviewed

By:01/02/25

References:

Human Rights Code, R.S.O. 1990, c. H.19

Policy and guidelines on disability and the duty to accommodate (OHRC: revised 2009)
Integrated Accessibility Standards (O. Reg. 191/11) under the *Accessibility for Ontarians with Disabilities Act*, 2005, S.O. 2005, c. 11

PURPOSE:

Breckenhill commits to provide accommodation for needs related to the grounds of the *Ontario Human Rights Code*, unless to do so would cause undue hardship, as defined by the Ontario Human Rights Commission’s Policy on Disability and the Duty to Accommodate. *

The purpose of this Accommodation Policy and Procedure is to:

- Ensure that employees and partners at Breckenhill are aware of their rights and responsibilities under the *Ontario Human Rights Code* with respect to accommodation.
- Set out in writing the organization’s procedures for accommodation and the responsibilities of each of the parties to the accommodation process.

Accommodation will be provided in accordance with the principles of dignity, individualization, and inclusion. Breckenhill will work cooperatively, and in a spirit of respect, with all partners in the accommodation process.

SCOPE:

This policy applies at all stages and to all aspects of the employment relationship, including recruitment and selection, promotions and transfers, and conditions of work such as hours of work and leaves of absence.

PROCEDURE:

1. Requests for Accommodation

Requests for accommodation by staff, and families should be made to the President.

Accommodation requests should, whenever possible, be made in writing. The accommodation request should indicate:

- The *Code* ground with respect to which accommodation is being requested
- The reason why accommodation is required, including enough information to confirm the existence of a need for accommodation
- The specific needs related to the *Code* ground

All accommodation requests will be taken seriously. No person will be penalized for making an accommodation request.

2. Provision of Information

The parties to the accommodation process must share information about accommodation needs and potential solutions. It may in some cases be necessary to obtain expert opinions or information in order to confirm the need for accommodation, or to determine appropriate accommodation.

Further information related to the accommodation request may be required, such as in the following circumstances:

- Where the accommodation request does not clearly indicate a need related to a *Code* ground
- Where further information related to the employee's limitations or restrictions is required in order to determine an appropriate accommodation
- Where there is a demonstrable objective reason to question the legitimacy of the person's request for accommodation

Where expert assistance is necessary in order to identify accommodation needs or potential solutions, the accommodation seeker is required to cooperate in obtaining that expert advice.

Failure to respond to such requests for information may delay the provision of accommodation.

The President will maintain information related to:

- The accommodation requests.
- Any documentation provided by the accommodation seeker or by experts
- Notes from any meetings
- Any accommodation alternatives explored
- Any accommodations provided

This information will be maintained in a secure location, separate from the accommodation seeker's file, and will be shared only with those people who need the information.

3. Privacy and Confidentiality

Breckenhill will maintain the confidentiality of information related to an accommodation request and will only disclose this information with the consent of the person seeking accommodation. Persons requesting accommodation will be asked only for information required to establish the foundation of the accommodation request, and to respond appropriately to the accommodation request.

4. Accommodation Planning

The President, the person requesting accommodation related to a *Code* ground and, where appropriate, and any necessary experts will work together cooperatively to develop an Accommodation Plan for the individual.

An Accommodation Plan may include the following:

- A statement of the accommodation seeker's relevant limitations and needs
- Arrangements for necessary assessments by experts or professionals
- Identification of the most appropriate accommodation short of undue hardship
- Clear timelines for the provision of identified accommodations
- Criteria for determining the success of the accommodation plan, together with a mechanism for review and re-assessment of the accommodation plan as necessary
- An accountability mechanism

5. Appropriate Accommodations

Accommodation may take many forms, depending on the applicable Code ground. What works for one individual may not work for another. Each person's situation must be individually assessed. In each case, the organization must implement the most appropriate accommodation, short of undue hardship. An accommodation will be appropriate where it results in equal opportunity to attain the same level of performance or to enjoy the same level of benefits and privileges experienced by others, and where it respects the principles of dignity, inclusion, and individualization.

The aim of accommodation is to remove barriers and ensure equality. Accommodation will be developed on an individualized basis. Appropriate accommodations may include:

- Modification of dress code (e.g. due to creed)
- Leaves of absence (e.g. for religious observance, pregnancy, disability, or family status)
- Changes to scheduling or hours of work (e.g. due to pregnancy, creed, or family status)

This list is not exhaustive.

6. Undue Hardship

Accommodation will be provided to the point of undue hardship. A determination regarding undue hardship will be based on an assessment of costs, outside sources of funding, and health and safety. It will be based on objective evidence.

A determination that an accommodation will create undue hardship may only be made by the President.

Where a determination is made that accommodation would create undue hardship, the person requesting accommodation will be given written notice, including the reasons for the decision and the objective evidence relied upon.

Integrated Accessibility Standards Policy under the Accessibility for Ontarians with Disabilities Act

Effective

Date:01/02/204

Reviewed

By:01/02/27

References:

Integrated Accessibility Standards (O. Reg. 191/11) under the *Accessibility for Ontarians with Disabilities Act*, 2005,

PURPOSE:

The purpose of this policy is to:

- Ensure that employees, partners, and applicants for employment at Breckenhill are aware of their rights and responsibilities under the *Integrated Accessibility Standards* (O. Reg).191/11).
- Set out in writing the organization's procedures for accommodation and the responsibilities of each of the parties to the accommodation process.

Integrated Accessibility Standards have been developed to break down barriers and increase accessibility for persons with disabilities in the area of employment (among other areas).

Under Section 1 of the *Integrated Accessibility Standards*, the requirements set out in this regulation are not a replacement or a substitution for the requirements established under the *Human Rights Code* nor do the standards limit any obligations owed to persons with disabilities under any other legislation.

ACCESSIBILITY PLAN

Breckenhill will develop, maintain, and document an Accessibility Plan outlining Breckenhill strategy to prevent and remove barriers from its workplace and to improve opportunities for persons with disabilities. The Accessibility Plan will be reviewed and updated at least once every five years and will be posted on Breckenhill's website. Upon request, will provide a copy of the Accessibility Plan in an accessible format.

TRAINING EMPLOYEES AND VOLUNTEERS

Breckenhill will ensure that training is provided on the requirements of the accessibility standards referred to in the Regulation and continue to provide training on the *Human Rights Code* as it pertains to persons with disabilities. The training will be appropriate to the duties of the employees, volunteers, and other representatives of Breckenhill.

Employees and volunteers will be trained when changes are made to the accessibility policy. New employees and volunteers will be trained when hired.

INFORMATION AND COMMUNICATION

Feedback

Breckenhill will ensure that its processes for receiving and responding to feedback are accessible to persons with disabilities by providing or arranging for the provision of accessible formats and with communication support upon request. Breckenhill will notify guests about the availability of accessible formats and communication support.

Accessible Formats and Communication Supports

Breckenhill will, upon request, provide or arrange for accessible formats and communication supports for persons with disabilities as follows:

- in a timely manner that considers the person's accessibility needs due to a disability
- at a cost that is no more than the regular cost charged to other persons
- by consulting with the person making the request and determine suitability of an accessible format or communication support
- By notifying the public about the availability of accessible formats and communication supports

EMPLOYMENT STANDARDS

Recruitment

Breckenhill will notify employees and the public about the availability of accommodations for applicants and employees with disabilities as follows:

In its recruitment processes:

- During the recruitment process, when job applicants are individually selected to participate in an assessment or selection process

- If a selected applicant requests an accommodation, Breckenhill will consult with the applicant and provide or arrange for the provision of a suitable accommodation in a manner that considers the applicant's accessibility needs due to disability
- When making offers of employment to a successful applicant

WORKPLACE EMERGENCY RESPONSE INFORMATION

Breckenhill shall provide individualized workplace emergency response information to employees who have a disability in accordance with the following elements:

- If the disability is such that individualized information is necessary and the employer is aware of the need for accommodation due to the employee's disability.
- If the employee who receives an individual workplace emergency response information requires assistance, and with the employee's consent, Breckenhill shall provide the workplace emergency information to the person designated by Breckenhill to aid the employee.
- As soon as practicable after becoming aware of the need for accommodation due to the employee's disability.
- Review the individualized workplace emergency response information when the employee moves to a different location in the organization, when overall accommodation needs or plans are reviewed, and when Breckenhill reviews its general emergency response policies.

DOCUMENTED INDIVIDUAL ACCOMMODATION PLANS (IAP)

Breckenhill will develop and have in place a written process for developing a documented individual accommodation plan for employees with a disability. The process will include the following elements:

- The manner in which an employee requesting accommodation can participate in the development of the individual accommodation plan
- The means by which the employee is assessed on an individual basis
- The manner in which the employer can request an evaluation by an outside medical or other expert, at the employer's expense, to assist the employer in determining if accommodation can be achieved and, if so, how accommodation can be achieved
- The steps taken to protect the privacy of the employee's personal information
- The frequency with which the individual accommodation plan will be reviewed and updated and the manner in which it will be done
- If an individual accommodation plan is denied, the manner in which the reasons

- for the denial will be provided to the employee.
- The means of providing the individual accommodation plan in a format that considers the employee's accessibility needs due to disability.

RETURN-TO-WORK PROCESSES

Breckenhill will have in place a return-to-work process for employees who have been absent from work due to a disability and require disability-related accommodation in order to return to work. Such processes shall be documented and must outline the steps that Breckenhill will take to facilitate the return to work and include an individual accommodation plan.

PERFORMANCE MANAGEMENT, CAREER DEVELOPMENT AND ADVANCEMENT AND REDEPLOYMENT

Breckenhill will consider the accommodation needs and/or individual accommodation plans of employees when:

- using performance management processes
- providing career development and advancement information
- using redeployment procedures.

A. Workplace Violence Policy

Effective

Date:01/02/24

Reviewed

By:01/02/25

References:

PART III.0.1 of the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1

PURPOSE:

To ensure that Breckenhill meets its obligations under OHSA to provide and maintain a safe and healthy work environment; ensure that employees understand their obligations and rights under this policy.

We will not tolerate any threats or acts of violence towards any of our employees, whether it is from another employee, member, guest, or any other person.

SCOPE:

Breckenhill believes in the prevention of violence and promotes a violence-free workplace in which all employees respect one another and work together to achieve common goals. Any act of violence committed is unacceptable conduct that will not be tolerated.

In developing this policy, Breckenhill has reviewed the circumstances common to similar workplaces and circumstances specific to Breckenhill which may cause or contribute to incidents of workplace violence. In particular, we have considered the nature of the workplace, the type of work performed and the conditions of work.

WORKPLACE VIOLENCE DEFINED:

OHSA defines workplace violence as “the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker.”

Examples include:

- threatening behavior - such as shaking fists, destroying property, or throwing objects
- verbal or written threats - any expression of an intent to inflict harm
- harassment - any behavior that demeans, embarrasses, humiliates, annoys,

alarms, or verbally abuses a person and that is known or would be expected

- to be unwelcome. This includes words, gestures, intimidation, bullying, or other inappropriate activities
- verbal abuse - swearing, insults or condescending language
- physical attacks - hitting, shoving, pushing, or kicking
- Other acts of physical aggression, such as the deliberate destruction of, or damage to, property, especially where such actions are meant to intimidate one or more individuals
- swearing, verbal abuse, pranks, arguments, property damage, vandalism, sabotage, pushing, theft, physical assaults, psychological trauma, anger-related incidents, rape, arson, and murder are all examples of workplace violence

COMPLAINTS

Complaints of workplace violence should be promptly investigated and documented. If you witness or are a victim of violence in this workplace, please inform the President immediately.

To ensure the benefits of this policy are realized by everyone, all partners and employees must cooperate in the investigation of any complaints of workplace violence.

All documents, including the content of complaints, meetings, interviews, and recommendations shall be treated in strict confidence to the extent permitted by law.

1. Complaint Procedure for the Complainant

The complainant is encouraged to report incidents or threats of workplace violence to The President of the company.

2. Complaint Procedure for Breckenhill

The President will advise both the complainant and the individual implicated in the complaint that an investigation has begun. The President may also recommend, where deemed appropriate, interim action.

All reports of violent incidents shall be investigated promptly by the President.

The President will summarize their findings and reach a recommendation for decision and final approval by the Chief Executive Officer.

Written results of the investigation and a recommended course of action will then be presented to the complainant and individuals involved.

RESPONSIBILITIES OF EMPLOYEES/ PARTNERS OF BRECKENHILL:

It is the responsibility of each employee to:

- Treat everyone in the workplace with dignity and in a manner that is respectful and free of violence, threats, or intimidation
- Make changes to their own behavior where they become aware that there is a potential for such behavior to harm, intimidate, or threaten
- Attend workplace violence training sessions held by Breckenhill
- Should an employee/ partner be aware of, or become aware of a problem that could result in violence or threats of violence within the workplace, he/she is responsible for reporting that problem to the President immediately
- Cooperate in the investigation of any violent incident

RESPONSIBILITIES OF BRECKENHILL:

It is the responsibility of management to:

- Assess and reduce risks of violence in the workplace
- Train employees to recognize risks of violence
- Respond promptly to reports of violent activity
- Follow the procedures outlined herein when receiving a report
- Report and document incidents in accordance with the procedures set out in OHSA
- Ensure proper medical care is available when needed
- Cooperate with investigations

ANNUAL TRAINING:

Each year (at a minimum), Breckenhill will review this policy and provide training on this policy.

Policy on Enhancing Diversity and Inclusion in Recruitment, Retention and Advancement

Effective

Date:01/02/24

Reviewed

By:01/02/25

References:

Human Rights Code, R.S.O. 1990, c. H.19

*Integrated Accessibility Standards (O. Reg. 191/11) under the Accessibility for
Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11*

PURPOSE:

The purpose of this Policy is to set out Breckenhill' s commitment to, and strategy for, establishing and maintaining a diverse and inclusive workplace, particularly for those who have been historically excluded from, and under-represented in consulting.

Those historically excluded, and under-represented in consulting, include individuals who are identified by grounds under human rights legislation, such as: Indigenous peoples; people with disabilities; individuals from racialized groups; people

of diverse faiths and creeds; people with diverse gender identities or expressions which could include those who identify as trans, intersex, non-binary, bigender, polygender, agender, demigender, gender fluid, gender non-conforming, gender variant, genderqueer or two-spirited; people with diverse sexual orientations which could include those who identify as lesbian, gay, bisexual, pansexual, polysexual, asexual, demisexual, queer, questioning or two-spirited; and women.

SCOPE:

This policy applies:

- at all stages and to all aspects of the employment cycle (recruitment, retention, advancement).
- to all partners and employees, for all roles and positions at Breckenhill

LEADERSHIP COMMITMENT TO DIVERSITY AND INCLUSION:

We commit to developing, implementing, and maintaining best practices and strategies to enhance equality, diversity, and inclusion at Breckenhill. We make this commitment at all stages of the employment life cycle: recruitment, retention, and advancement.

The senior leadership at Breckenhill will demonstrate their commitment to promoting and advancing diversity and inclusion by:

- Establishing and maintaining a Diversity Committee comprised of management/executive - level employees or partners. The committee will oversee diversity and inclusion efforts at all levels and ensure that diversity and inclusion is integrated into all initiatives and aspects of Breckenhill.
- Dedicating adequate resources (in budget and staffing) to meet our diversity and inclusion goals.
- Encouraging diversity and inclusion education/training on discrimination and harassment; “unconscious bias,” stereotyping, and the impact on performance perceptions.
- Measuring and tracking recruitment, retention, and advancement demographics (at least annually), to ensure that diversity and inclusion efforts are resulting in the desired, positive changes.

1. RECRUITMENT

Recruitment is the process of discovering, attracting, and hiring an individual for a job position. In order to achieve our goal of enhancing diversity and inclusion at Breckenhill some or all of the following strategies in the recruitment process will be implemented:

Promotional materials – our commitment to diversity and inclusion will be set out in our recruitment and promotional materials (e.g. job notices, websites, formal and informal verbal, or written communications with candidates).

Governments – we will work with all levels of government to promote opportunities for candidates from diverse communities.

Goal setting – we will set equity and diversity recruitment goals when hiring.

Diverse community networks – we will:

- establish and maintain connections with legal associations formed by professional consultants from diverse communities,
- establish and maintain both formal and informal networks with diverse communities.
- request referrals from other members of historically underrepresented groups.
- advertise and recruit “creatively” – beyond the typical channels through which recruiting is traditionally done. Seek advice as to the ways to attract applications from diverse communities.

Interviewing – we will:

- involve employees from diverse communities in the recruitment and interview processes.
- provide “unconscious biased training” for those involved in the recruitment process to ensure that hiring is as fair and objective as possible.

2. RETENTION

Retention refers to the ability of an organization to retain its employees. A number of factors contribute to employee retention, such as career development, opportunity, satisfaction, rewards, and recognition.

To achieve our goal of enhancing diversity and inclusion at Breckenhill, some or all of the following strategies with respect to retention will be implemented:

Reasonable accommodations – we will:

- grant and respect accommodation requests for: e.g. family responsibilities, physical accessibility for disabilities, diverse days of religious significance.
- accommodate alternate work arrangements and family responsibilities including childcare and elder care.

Mentoring – we will:

- ensure that senior partners/ managers will mentor employees from diverse communities, and those historically under-represented in the consulting profession.
- encourage employees from diverse communities, and those historically under-represented in the consulting profession to act as mentors.
 - recommend and leverage mentoring programs

Performance Management – we will:

- develop clear, written and communicated performance management policies.
- ensure that performance reviews are conducted regularly on a set schedule, as well as on an as-needed basis.
- mandate training and education on an overt bias, as well as “unconscious bias,” training for those who conduct performance reviews.

Quality of work – we will ensure that consultants from diverse communities have access to a range of consultant work, with a variety of clients and colleagues.

Client development – we will:

- support activities that target non-traditional sources of clients from within diverse communities.
- ensure licensees from diverse communities are involved in client development activities, including events to retain current clients.

Survey – we will:

- survey our employees and partners about our diversity and inclusion efforts, and about any personal experiences of discrimination and/or harassment at Breckenhill.
- conduct exit interviews of employees and partners and ask whether any overt or subtle forms of discrimination played a role in their decision to leave.

3. ADVANCEMENT:

Advancement is the upward trajectory of an individual's career and typically means getting promoted or being assigned more responsibilities by an employer. To achieve our goal of enhancing diversity and inclusion at Breckenhill, some or all of the following strategies with respect to advancement will be implemented:

Clear criteria – we will:

- develop clear, written and communicated criteria to evaluate candidates for partnership or senior management positions.
- communicate the expectations and time frame for becoming a partner or senior manager.
- ensure that regular, documented performance reviews are considered in advancement decisions.

Leadership – we will:

- have a diverse group of partners/ employees serve on our leadership team, and as chairs of practice groups and client service teams.
- ensure that those in decision-making roles for promotions and advancement have had adequate diversity and inclusion education/training.
- Ensure that proper training has been provided on how to evaluate candidates for promotion and that the criteria is being applied consistently

Promotions – we will:

- provide opportunities to promote partners/ employees from groups historically under-represented in the consulting profession.