
Harassment and Discrimination Policy

PURPOSE

To outline the procedures to be followed regarding Harassment, Sexual Harassment and Discrimination.

SCOPE

Applies to all employees during working time and during any activity on or off the Company's premises which could reasonably be associated with SunOpta.

DEFINITIONS

- a) "Harassment" means engaging in a course of vexatious comment or conduct that is known, or ought reasonably to be known, to be unwelcome, unwanted, offensive or objectionable and may have the effect of creating an intimidating, hostile or offensive work environment interfering with an individual's work performance; adversely affecting an individual's employment relationship; and/or denying an individual dignity and respect. Harassment may result from one incident or a series of incidents. It may be directed at specific individuals or groups. Harassment includes but is not limited to comments, conduct, jokes or slurs related to an employee's race, religious beliefs, country of origin, sexual orientation, gender and/or disability.
- b) "Sexual harassment" is any unsolicited conduct, comment, or physical contact of a sexual nature that is unwelcome by the recipient. It includes, but is not limited to, any unwelcome sexual advances (oral, written or physical), requests for sexual favors, sexual and sexist jokes or slurs; written or verbal abuse or threats; jokes, taunts, or suggestions about a person's body, attire, or on other prohibited grounds of discrimination; unnecessary physical contact such as patting, touching, pinching or hitting, patronizing or condescending behavior; displays of degrading, offensive or derogatory material such as graffiti or pictures; physical or sexual assault.
- c) "Discrimination" is making decisions based on factors in which the law prohibits. The decisions may be regarding employment, housing, education or other matters that fundamentally affect one's life. The prohibited factors include race, nationality, religion, gender, age, disability, sexual orientation as well as other protected statuses.

POLICY

- a) SunOpta believes in conducting its business in a manner that is free from harassment, sexual harassment and discrimination on or off the Company's premises. Any such actions by an employee towards another person, employee or non-employee, will not be tolerated.
- b) Retaliation or reprisals against any person who has made a complaint under this policy or has provided information regarding a complaint is prohibited. Any retaliation or reprisals are subject to immediate corrective action up to, and including termination. Alleged retaliation or reprisals are subject to the same complaint procedures and penalties as complaints of Harassment, Sexual Harassment and Discrimination.

- c) SunOpta appreciates the sensitive nature concerning acts of harassment and discrimination. Individuals may find it difficult to come forward with a complaint under this policy because of concerns of confidentiality. Therefore, all complaints concerning Harassment, Sexual Harassment and Discrimination, as well as the names of parties involved, shall be treated in as confidential a manner as possible consistent with a fair, full and proper investigation.
- d) SunOpta's obligation to conduct an investigation into the alleged complaint may require limited disclosure. No record of the complaint will be maintained on the personnel file of the complainant. If there is a finding of improper conduct that results in disciplinary action, it will be reflected only in the file of the person who engaged in such conduct.

RESPONSIBILITY

- a) Immediate managers are responsible for investigating any complaints of Harassment, Sexual Harassment and Discrimination that have been made against an employee. The Human Resources Department must be made aware by the immediate manager of any such complaints.
- b) The Human Resources Department is responsible for providing guidance and consultation to the immediate manager during the investigation and discipline process.
- c) Employees are responsible for reporting promptly when they become aware of, or hear of, alleged actions or complaints of Harassment, Sexual Harassment and Discrimination.
- d) Managers are responsible for providing a work environment that is free from Harassment, Sexual Harassment and Discrimination. This includes actively promoting a positive, harassment-free work environment and intervening when problems occur.

PROCEDURE

- a) **Step 1 – Direct Communication**

Employees are encouraged to attempt to resolve their concerns by direct communication with the person(s) engaging in the unwelcome conduct. Where employees feel confident or comfortable in doing so, they should communicate disapproval in clear terms to the person(s) whose conduct or comments are offensive. The employees should keep a written record of the date, time, details of the conduct and witnesses, if any.
- b) **Step 2 – Management Support and Intervention**

Employees who are not confident or comfortable with direct communication, or become aware of situations where other employees may be harassed or discriminated against, are encouraged to report these matters to their immediate manager or to the Human Resource Department. The immediate manager will work with the Human Resource Department to find an informal resolution to the complaint.
- c) **Step 3 – Formal Complaint**

If informal attempts at resolving the issue are not appropriate, or proving to be ineffective, the employee may choose to file a formal complaint. To file a formal complaint, the employee must:

Provide a written notice containing a brief account of the offensive incident (i.e. when it occurred, the persons involved, names of witnesses, if any), the statements and signatures of any witnesses who are willing to corroborate the complaint, and the remedy sought. The written notice must be signed and dated by the complainant.

File the complaint with the immediate manager and with the Human Resources Department.

Cooperate with those individuals responsible for investigating the complaint.

All formal complaints shall be investigated by the immediate manager in cooperation with the Human Resources Department. The investigation process shall involve interviews of the complainant, the respondent and any witnesses named by either. Within a reasonable period of the incident or notice thereof, the immediate manager shall conduct the investigation and prepare recommendations, if any, to the Human Resources Business Partner who must authorize any disciplinary action to be taken.

In the event that the complainant is not comfortable in reporting the issue to their immediate manager, the complaint should then be reported to the Human Resources Business Partner, and necessary steps will be taken.

All complaints shall be handled in as confidential a manner as possible consistent with a fair, full and proper investigation. Information concerning a complaint, or action taken as a result of the investigation, will not be released to anyone who is not involved with the investigation.

Disciplinary action for violations of this statement of policy and procedure will take into consideration the nature and impact of the violations and may include a verbal or written reprimand, suspension (with or without pay) or termination for cause.

Deliberate false accusations of harassment and/or discrimination will also result in disciplinary action up to, and including, termination for cause. However, an unproven allegation does not mean that harassment did not occur or that there was a deliberate false allegation. It simply means that there is insufficient evidence to proceed or that, while the complainant may genuinely have had reason to believe that there was harassment, investigation has not borne out the complaint.