

CANSCENE INC.

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AGAINST ALL FORMS OF HARASSMENT AT WORK



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1. DESCRIPTION OF POLICY

Canscene Inc. acknowledges that all employees have the right to be treated with dignity and have their physical and psychological integrity protected. Harassment of any kind is a violation of this right and will not be tolerated. Therefore, Canscene Inc. is committed to taking the necessary steps to create a workplace that fosters mutual respect and is free of all forms of harassment.

This policy complements legislation governing rights and obligations with regard to harassment, in particular the Charter of Human Rights and Freedoms, the Civil Code of Québec, the Criminal Code, the Act Respecting Occupational Health and Safety and the Act Respecting Labour Standards.

This policy does not limit the scope of any administrative rules, policies and management rights of Canscene Inc.

This preamble is an integral part of the Policy.

2. POLICY OBJECTIVES

Through this Policy, Canscene Inc. aims to ensure a respectful, healthy workplace that is free of all forms of harassment. Specifically, this Policy aims to:

- ✓ Ensure everything is done to maintain a physically safe work environment that is free of all forms of harassment, through the implementation of reasonable measures to prevent such behavior
- ✓ Ensure the necessary procedures are in place to handle requests for advice and intervention on matters relating to harassment
- ✓ Ensure reasonable measures have been taken to put an end to any harassing behavior that has been reported, and the necessary support has been provided for victims and harassers so that the behavior stops

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3. POLICY STATEMENT

3.1 SCOPE

This Policy applies to all employees of Canscene Inc., both male and female, including management employees, and employees placed at Canscene's client company to work, regardless of their employment status.

This Policy applies to interactions between all types of employees and with any third parties (clients, client company staff, visitors, etc.) as part of or during the course of their work.

This Policy applies to all work-related incidents, whether occurring on work premises or elsewhere, or whether during or outside of regular work hours, including but not limited to meetings, receptions and social activities.

3.2 PRINCIPLES

Canscene Inc. has a zero tolerance approach when it comes to all forms of harassment, whether discriminatory or psychological, based on gender, race, or any other grounds for discrimination.

It is important to remember that if a victim has initially kept quiet about harassment, this cannot be interpreted as consent; similarly, consent given in fear or under pressure is not valid. Often, victims of harassment remain silent because of the fear and intimidation they have experienced.

Management reserves the right to intervene at any time, whether or not a complaint has been filed or withdrawn, when there are reasonable grounds to believe this Policy has been breached.

Managers must set the example by behaving in a professional and respectful manner towards everyone, ensuring their employees are familiar with this Policy, applying this Policy and assisting any individuals who believe they are victims of harassment.

Employees must behave in a professional and respectful manner towards everyone at all times, be familiar with this Policy and comply with it, denounce any form of harassment and, if applicable, give evidence during an investigation into harassment allegations.

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All harassment complaints will be handled in a sensitive, impartial manner. Management is committed to analyzing the facts objectively and taking the necessary steps to deal with the harasser(s) and ensure the harassment stops. These measures could range from providing internal or external support to guarantee that the behaviour stops to imposing appropriate disciplinary measures, including the possibility of dismissal.

Management has put in place an internal process to provide support and assistance for victims of harassment.

All complaints will be handled with discretion, and all individuals involved must maintain confidentiality. However, the person handling the complaint may disclose certain personal information to a third party (e.g., the person named in the complaint, witnesses), insofar as this is necessary to process the complaint.

Nothing is noted in the employee file of a person who files a harassment complaint, or in the file of an employee who has been found guilty of harassment unless he or she is subject to administrative or disciplinary measures.

An individual who pursues the internal procedures set out in this Policy will not be prevented from pursuing other types of legal recourse, if desired.

3.3 DEFINITIONS:

Harassment is defined as any undesired behavior, whether explicit or implicit, that is inappropriate, hurtful or injurious towards another person or persons in the work place, that the individual knew or ought reasonably to have known would cause offence or harm. It also includes acts, comments or displays that belittle, demean, humiliate or embarrass a person, as well as any act of intimidation, threat or discrimination.

There are many types of harassment, whether general harassment based on one of the factors for which a person cannot legally be discriminated against (race, color, gender, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political beliefs, language, ethnic or national origin, social condition, or disability or use of a means to mitigate a disability) or psychological harassment, which includes the abuse of power/authority.

Harassment usually involves a series of incidents, although it could also be related to a single, severe incident. In fact, a single, severe incident can also be considered psychological harassment if it has a lasting, harmful impact on the individual.

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Forms of harassment include, but are not limited to:

- Jokes, teasing, innuendo, humiliating comments, offensive statements
- Unkind remarks, insults, verbal abuse
- hurtful omissions, a contemptuous attitude
- Vandalism or damage to the victim's property (car, clothing, etc.) or personal work area (locker, office, etc.)
- Intimidation, threats, retaliation, rejection of employment or promotion, dismissal, or any other negative consequences imposed on a person for refusing to grant sexual favours

However, please note that responsibilities such as assigning tasks and workloads, monitoring attendance and performance, and taking administrative and disciplinary measures as part of a managerial role do not constitute harassment in and of themselves; nor does a single or isolated incident such as an inappropriate comment or a brusque manner.

4. RE COURSE AND PROCEDURES

Canscene Inc. encourages employees to express their opposition to all forms of harassment by reporting, in good faith, any incident of harassment they are aware of or witness to in accordance with this Policy.

Individuals who invoke this Policy in good faith are protected from any reprisals (sanctions or other negative consequences) against them. The same applies to witnesses. However, a complaint that is deemed frivolous, e.g., made in bad faith with malicious intent or deliberate exaggeration, could itself be considered harassment.

If the Office Manager of Canscene and/or his or her representative, if applicable, cannot intervene or are otherwise involved as parties or witnesses, the President will take charge of the file and decide who should handle the complaint.

4.1 COMPLAINT PROCESS

4.1.1 INFORMAL PROCEDURE

An informal procedure is in place for anyone wishing to find a solution in a less official manner. It is designed to resolve a situation or a conflict as soon as possible, in a fair and respectful manner, without the need to make a formal complaint. An informal complaint is handled internally by an immediate or direct manager, or by any another trusted individual.

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Role of resource person:

- Listen to the individual and help him or her to understand the concept of harassment, express his or her feelings, and find a solution, and, if necessary, draw up a formal complaint.
- Inform the complainant of the possible solutions and resources available, both internally and externally.
- Encourage the employee to express his or her feelings to the person named in the complaint, if this has not already been done. The complainant can complete this step alone or with the support of the Office Manager of Canscene, his or her representative, or a trusted individual of the complainant's choice.
- If the complainant wishes, the resource person can meet with the alleged harasser in order to explain the situation and request that the harassing behaviour stop immediately.
- If this intervention resolves the situation, the process can end there.
- If there is a voluntary agreement between the two parties, no sanctions are imposed.
- Every effort should be made to resolve the situation as quickly as possible.

If the situation is not resolved or if the complainant does not wish to confront the alleged harasser directly, he or she can file a formal complaint from the outset.

4.1.2 FORMAL PROCESS

If the complainant is not satisfied with the informal measures taken, he or she may undertake the formal process. At this step, mediation may be suggested; if it is not accepted, the next step is an investigation. The investigation findings will allow the employer to make an appropriate decision.

Both the complainant and the respondent can be accompanied by a person of their choice.

Obtaining a written agreement between the two parties will always be encouraged. This agreement can include measures such as a letter of apology, the transfer of the person against whom the complaint was made, or any other measure deemed appropriate.

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Filing and processing a complaint

Any employee who believes that he or she has been a victim of harassment may submit a formal, written complaint. A formal process cannot be undertaken without a written, signed and dated complaint (see Complaint Form, Appendix 1).

Formal complaints must be filed as soon as possible, as it becomes increasingly difficult to establish the facts about an incident as time passes. Except in exceptional circumstances, a formal complaint filed more than three (3) months after the last alleged incident will be refused.

The formal complaint must be made in writing and contain the following details:

- Date(s) of incident(s)
- Name of person or persons against whom the complaint is being made (respondent)
- A detailed, comprehensive description of the nature of the incident(s)
- Any relevant documents, including a list of individuals who witnessed the incident(s)
- Resolution sought by the complainant
- Signature of the complainant

By submitting a formal complaint, the complainant authorizes his or her identity (first and last name only) and the substance of the complaint to be disclosed to the respondent and to any other individual concerned in accordance with this Policy.

The person in charge (or other designated person) must advise the person named in the harassment complaint of the complaint and the nature of the allegations made.

Person responsible at Canscene must assess whether the complaint is well founded and determine the steps to take:

- Reject the complaint, if deemed unfounded or in bad faith, and close the file
- Begin the mediation process between the individuals concerned
- Investigate the allegations contained in the complaint

An investigation can also be opened when:

- The parties concerned do not agree to mediation
- Mediation has been unsuccessful
- The agreement signed between the two parties further to mediation has not been respected

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Mediation

The goal of mediation is to seek a settlement between parties by coming up with one or more solutions that both parties can agree upon and that resolve the situation. Mediation is a voluntary, confidential process that must be undertaken willingly and in good faith by both parties.

The Office Manager of Canscene (or his or her representative) will offer mediation individually to the parties, meeting with both the complainant and the respondent and attempting to help them reach an amicable agreement. If such an agreement can be reached, the parties will sign a document that states the agreement, without providing further details unless otherwise agreed by the parties. This document will remain confidential unless otherwise agreed by the parties.

The mediation process must be completed no later than thirty (30) days after the parties have agreed to it.

If the parties refuse mediation or if mediation has failed, the complaint can be processed through an investigation.

Investigation

The Office Manager of Canscene will ensure the neutrality and confidentiality of the investigation, assess the harm done to the victim, recommend, if applicable, immediate measures to protect the victim, and submit an investigation report to the President.

The Office Manager of Canscene must begin the investigation within five (5) days of receipt of the complaint and prepare his or her investigation report no later than forty-five (45) days after. This report must include a summary of the facts, evidence gathered regarding each allegation, an analysis of the evidence, a conclusion with regard to each allegation, and a final conclusion as to whether the complaint is well founded—in whole or in part—unfounded, or persecutory.

The contents of this report are protected under the provisions of the Act respecting the Protection of Personal Information in the Private Sector. The report will be placed within the confidential files relating to the incident in the office at Canscene.

In exceptional cases, the period of investigation could be extended to beyond 45 days.

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4.2 DECISION

The person in charge (or his or representative) must notify the parties of the findings as soon as possible once the investigation report has been received. The investigation report is an internal, confidential administrative document that will not be handed out to the parties.

Well-founded complaint

Should the Office Manager of Canscene decide that a complaint is well founded; measures must be taken to provide the complainant with a work environment that is respectful of his or her dignity and physical and psychological health.

The person found guilty of harassment will be subject to any administrative and/or disciplinary measures deemed appropriate. However, in light of legislation governing the protection of personal information, in such cases the complainant will not be provided with details regarding the measures taken against the respondent.

Corrective measures could include: a warning, a request to write a letter of apology, suspension or dismissal.

As needed, the complainant will also be informed of any measures offered or imposed on him or her, as the case may be.

Unfounded complaint

If an employee makes a formal complaint in good faith but its legitimacy cannot be proven based on the evidence gathered, the complaint will be dismissed, and neither the respondent nor the complainant will be disciplined. The Office Manager of Canscene may encourage the complainant to issue a written apology to the respondent.

Complaint submitted in bad faith

If a complaint is deemed abusive, frivolous, in bad faith or with the intention to harm, the complainant will be subject to corrective measures (administrative or disciplinary) as described above.

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5. MANAGEMENT OF POLICY AND RESPONSABILITIES

The application of this Policy falls under the responsibility of the Human Resources Department.

The Office Manager of Canscene is responsible for:

- Making sure employees are familiar with the Policy, informing third parties, and taking any necessary action in a manner deemed appropriate
- Advising employees on matters relating to the prevention of harassment and the complaint handling process
- Regularly reminding employees of the existence of this Policy and following up as appropriate
- Receiving requests and taking action or appointing someone to take action
- Keeping information up to date with regard to the effectiveness of the Policy so as to be able to suggest amendments, as needed
- Taking on any other responsibilities incumbent upon him or her by virtue of this Policy

6. EFFECTIVE DATE

This Policy is effective April 8, 2010.

7. APPROVAL

This Policy was approved on _____ by YE TAO, President of Canscene Inc..

Signature: _____

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APPENDIX 1 – COMPLAINT FORM

I believe I have been a victim of:

Harassment (Please specify) _____

Physical violence

Contact information of complainant:

Last name: _____

First name: _____

Tel.(Work): _____

Tel.(Home): _____

Contact information of respondent (against whom the complaint is being made):

Last name: _____

First name: _____

Tel.(Work): _____

Tel.(Home): _____

(to be completed by the resource person at a later date)

Names of witnesses identified by the complainant:

Last name and First name: _____

Last name and First name: _____

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Resolution sought:

Other measures taken:

Have you told the respondent that his or her behavior is unwanted?

Yes []

No [] If not, please explain why:

Would you be willing to resolve the situation through mediation?

Yes []

No []

Have you taken any other action, such as filing a complaint with the Commission des normes du travail or with the CSST?

Yes [] Please specify: _____ No []

Allegations (facts/acts/behaviours): Please provide details (dates, times, location, feelings, etc.): (to be completed – **Please attach as many pages as necessary**)

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Additional comments: (if appropriate)

Statement
:

The facts detailed on this Form are true, to the best of my knowledge. I realize that certain information that I provide may be disclosed to the respondent and those named as witnesses by the person handling my complaint if necessary. I agree to be discreet and not discuss the contents of this Form or anything associated with my complaint with my coworkers or any other person, except those authorized by law, by this Policy or for consultation purposes with an adviser of my choice, as needed.

Hereby signed at _____, on this ____ day of _____, 20____

(location)

(month)

First and Last name (*in capital letters*)

Signature