

Genetic Testing & Nondiscrimination Policy



1. POLICY STATEMENT

In recognition of the fact that genetic information about individuals is irrelevant to their current ability to work, ABC Company condemns and prohibits the practice of genetic discrimination. The purpose of this Policy is to effectuate these principles by establishing clear and specific groundrules governing the Company's collection, use and disclosure of genetic information.

2. DEFINITIONS

For purposes of this Policy:

"Genetic discrimination" means factoring genetic information about individuals into decisions affecting any aspect of their employment, including but not limited to hiring, firing, pay, job assignments, promotion, layoff, training or benefits. Example: Use of genetic information or testing to identify and avoid hiring job applicants with genetic conditions making them especially susceptible to general workplace risks or disorders that may render them unable to work or costly to insure.

"Genetic information" includes information about:

- An individual's genetic tests and the genetic tests of an individual's family members;

- An individual's family medical history indicating whether the individual has an increased risk of getting a disease, disorder or condition in the future;
- An individual's request for, or receipt of, genetic services, or participation in clinical research that includes genetic services by the individual or a family member;
- The genetic makeup of a fetus that the individual or a pregnant family member is carrying; and
- The genetic makeup of any embryo legally held by the individual or family member using an assisted reproductive technology.

3. PROTECTIONS FROM GENETIC DISCRIMINATION

To protect job applicants and employees from genetic discrimination, ABC Company will observe the following restrictions in its collection, use and disclosure of genetic information.

3.1 No Required Genetic Testing

ABC Company will not require job applicants or employees to undergo any genetic testing or, subject to Section 4 below, disclose any genetic information to the Company.

3.2 No Harassment

ABC Company will apply the terms of its general antidiscrimination and harassment policy to protect job applicants and employees against genetic harassment, including the imposition of discipline against those found guilty of harassing conduct on the basis of the genetic information about the applicant or employee or any of the applicant or employee's family members, up to and including termination.

4. PERMISSIBLE COLLECTION, USE & DISCLOSURE

ABC Company will collect, use and disclose genetic information only for the following purposes:

- Employees' enrollment in an ABC Company-sponsored wellness program;
- Processing of requests for and verifying the employee's need for medical or family medical leave under [jurisdiction's] employment standards laws; and
- Monitoring the biological effects of an employee's exposure to a hazardous product or toxic substance in the workplace, as required by occupational health and safety and other applicable laws.

Where these exceptions apply, ABC Company will limit the amount and type of genetic information collected, used and disclosed to the minimum necessary to accomplish the purpose of the exception.

5. PROTECTION OF ACQUIRED GENETIC INFORMATION

In the event ABC Company does acquire genetic information in the course of carrying out any of the above permissible functions or inadvertently, such as through public sources or where an employee voluntarily discloses some aspect of family medical history to a Company official during casual conversation, ABC Company will maintain and safeguard this information in the same way that it does with the other forms of employees' protected health information it collects.

6. REPORTING DISCRIMINATION

ABC Company wants to ensure all applicants or employees feel safe, comfortable and encouraged to report any incident of genetic discrimination or misconduct they have observed or experienced. Please file a complaint about any incident to your manager. If it is not appropriate to file a complaint with these individuals because they are involved in the incident, the applicant or employee should report the incident to any other manager of their choice. Complaints need not be in writing but should include as much detail as possible, including the name(s) of the individual(s) involved and a description of the incident(s), including actions and/or

comments made, place(s), date(s) and time(s).

7. INVESTIGATION

All reports of violations of this Policy will be taken seriously and responded to immediately. Where it is determined that the report has merit, an internal investigation will be made by staff members not implicated or in any way involved in the complaint following the fair investigation procedures and protocols set out in the ABC Company Disciplinary Policy.

8. NO REPRISALS

ABC Company will not reject, fire, demote, harass or otherwise threaten or provide adverse treatment against a job applicant or employee for filing a charge of genetic discrimination, participating in a genetic discrimination investigation or lawsuit or otherwise opposing genetic discrimination.