

Harassment and Discrimination Policy

1. Purpose

The Provincial Sheet Metal Workers Training Corp., operating and known as the Ontario Sheet Metal Workers Training Centre (collectively referred to in this policy as the “OSMWTC”), is committed to providing and maintaining a working and learning environment that is based on respect for the dignity and rights of everyone in the organization and the students of the OSMWTC. It is OSMWTC’s goal to provide a healthy and safe work and study environment that is free of any forms of bullying and uncivil or disrespectful behaviour, and from discrimination and harassment, including sexual harassment.

The intention of this policy and its procedures is to prevent discrimination and harassment from taking place and where necessary to act upon incidents and complaints of such behaviour quickly and fairly with due regard to confidentiality.

This policy also prohibits conduct that, while not comprising harassment or discrimination, fails to treat others with courtesy, dignity, respect, professionalism and in a polite manner. In addition to potential repercussions under other applicable OSMWTC policies, rules or regulations, those who fail to conduct themselves in accordance with these principles of behaviour will be subject to discipline or corrective measures as set out in section 8 of this policy.

This policy reinforces OSMWTC’s legal obligation under the Ontario *Human Rights Code*, the *Occupational Health and Safety Act* and *Accessibility for Ontarians with Disabilities Act*.

This policy supersedes any prior OSMWTC policy related to harassment and discrimination.

2. Scope

This policy applies to all members of the OSMWTC community engaged in OSMWTC-related study, work, travel, social interaction or other contact, including but not limited to, employees of OSMWTC, the Provincial Sheet Metal Workers Training Centre Corp. Board (the “Board”) and members of standing and ad hoc committees established by the Board, as well as students, trainees, interns, apprentices, clients, contractors, suppliers, consultants, volunteers, individuals who are directly connected to any joint OSMWTC initiatives and visitors to OSMWTC.

It applies in any location in which individuals are engaged in work-related or OSMWTC study-related activities. This includes, but is not limited to:

- the workplace
- during work or study-related travel or placements
- at restaurants, hotels or meeting facilities that are being used for OSMWTC purposes
- in corporation owned or leased facilities
- during telephone, email, text message, group message and other communications, including but not limited to social media

- dialogue that extends from OSMWTC-related activities or relations, as well as comments made on social media pertaining to or associated with OSMWTC work, study or the workplace or others covered by this policy
- at any OSMWTC-related social event, whether or not it is sponsored by OSMWTC
- discrimination and harassment which occurs outside the workplace but which may adversely impact employee relationships or the workplace
- discrimination and harassment which occurs outside of OSMWTC facilities and learning environments which may adversely impact a person's learning environment with OSMWTC

This policy applies to situations in which employees are harassed or discriminated against in the workplace by individuals who are not employees of OSMWTC. Employees are also obligated to ensure that their comments and conduct do not harass or discriminate against individuals who are not employees of OSMWTC.

3. Duties and Obligations

It is our mutual responsibility to ensure that we create and maintain a harassment and discrimination-free workplace and learning environment. OSMWTC encourages all individuals covered by this policy to report comments or conduct that they believe are not in compliance with this policy.

a) OSMWTC's Commitment

OSMWTC will do its part by not tolerating or condoning discrimination or harassment, including sexual harassment, in the workplace and learning environment. This includes making everyone in the organization aware of what behaviour is and is not appropriate, investigating complaints and incidents and imposing suitable corrective measures.

b) Duties of Supervisors, Instructors and Management

Supervisors, instructors and members of management are expected to assist in creating a harassment and discrimination-free workplace and learning environment and to immediately contact the Executive Director if they receive a complaint of harassment or discrimination or witness or are aware of harassing or discriminatory behaviour. If the Executive Director is alleged to be a party to the harassment or discrimination, complaints can be made to the Chair of the Board's Human Resources Committee by sending an email to hr@osmwtc.com.

c) Duties of All Persons Covered by this Policy

You must do your part by ensuring that your behaviour does not violate this policy and by fostering a work and learning environment that is based on respect and is free of harassment and discrimination.

You can assist in achieving this environment by reporting the existence of any harassment or discrimination of which you become aware.

4. Definitions

a) Discrimination

Discrimination includes any distinction, exclusion or preference based on the protected grounds in the Ontario *Human Rights Code* that nullifies or impairs equality of opportunity in employment or study, or equality in the terms and conditions of employment, the academic status of a student, or the provision of any OSMWTC service.

The protected grounds of discrimination are:

- race, colour, ancestry
- citizenship
- ethnic origin
- place of origin
- creed, including religion
- age
- gender identity and gender expression
- sexual orientation
- sex (including pregnancy and breastfeeding)
- marital status (including married, single, widowed, divorced, separated or living in a conjugal relationship outside of marriage, whether in a same-sex or opposite-sex relationship)
- family status (such as being in a parent and child relationship)
- disability or perceived disability (including mental, physical, developmental or learning disabilities, as well as drug and alcohol dependency)
- record of offences for which a pardon has been granted under the *Criminal Records Act* (Canada) and has not been revoked, or an offence in respect of any provincial enactment

b) Discriminatory Harassment

Discriminatory harassment includes comments or conduct based on the protected grounds in the Ontario *Human Rights Code*, which the recipient does not welcome or that offends him or her.

The Ontario *Human Rights Code* defines harassment as:

Engaging in a course of vexatious (i.e. annoying or provoking) comment or conduct which is known or ought reasonably to be known to be unwelcome.

Some examples of discriminatory harassment include:

- offensive comments, jokes or behaviour that disparage or ridicule a person's membership or perceived membership in one of the protected grounds, such as race, religion or sexual orientation

- unequal treatment or offensive comments, jokes or behaviour based on an individual's association or relationship with a person identified by a protected ground
- imitating a person's accent, speech or mannerisms
- persistent or inappropriate questions about whether a person is pregnant, has children or plans to have children
- inappropriate comments or jokes about an individual's age, sexual orientation or sex
- words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning or unwelcome, based on a protected ground

Harassing comments or conduct can poison someone's work or learning environment, making it a hostile, intimidating or uncomfortable place, even if the person is not being directly targeted. This is commonly referred to as a **poisoned environment** and it is a form of harassment.

Some examples of actions that can create a poisoned environment include:

- displaying offensive or sexual materials such as posters, pictures, calendars, websites or screen savers
- distributing offensive e-mail messages or attachments such as pictures or video files
- practical jokes that embarrass or insult someone
- jokes, remarks or insults that are offensive, sexist, racist or discriminatory in nature

c) **Sexual and Gender-Based Harassment**

Sexual harassment includes conduct or comments of a sexual nature that the recipient does not welcome or that offend him or her. Sexual and gender-based harassment also include negative or inappropriate conduct or comments that are not necessarily sexual in nature, but which are demeaning to an individual because of their gender or sex. Comments or conduct of a sexual nature or that are based on gender or sex that are not necessarily directed at a particular individual but are unwelcome or offensive to an individual or group can also constitute sexual or gender-based harassment.

The Ontario *Human Rights Code* provides the following protection from sexual harassment:

Every person has a right to be free from a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

i. Sexual harassment in employment

The Ontario *Human Rights Code* provides protection from sexual harassment in employment as follows:

Every person who is an employee has a right to freedom from harassment in the workplace because of sex, sexual orientation, gender identity or gender expression by his or her employer or agent of the employer or by another employee.

The *Occupational Health and Safety Act* defines workplace sexual harassment as:

- (i) 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
- (ii) 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.

ii. Examples of sexual harassment

Anyone can be a victim or perpetrator of sexual or gender-based harassment, and someone of the same or different sex can harass someone else. Some other examples of sexual or gender-based harassment are:

- sexual advances or demands that the recipient does not welcome or want
- unwelcome solicitation or advances from a manager, supervisor, instructor or other person who has the power to reward or punish the worker or student
- threats, punishment or denial of a benefit for refusing a sexual advance
- offering a benefit in exchange for a sexual favour
- leering (persistent inappropriate staring)
- displaying sexually offensive material such as posters, pictures, calendars, cartoons, screen savers, pornographic or erotic websites or other electronic material
- distributing sexually explicit e-mail messages or attachments such as pictures or video files
- sexually suggestive or obscene comments or gestures
- unwelcome remarks, jokes, innuendoes, propositions or taunting about a person's body, clothing or sex
- sexual banter
- persistent, unwanted attention after a consensual relationship ends or where the person knew or ought to have known the attention was not welcome or wanted
- physical contact of a sexual nature, such as touching or caressing
- gossip or rumours regarding a person's sexual activities or relationships, regardless of whether they are malicious
- sexual assault

d) Harassment and Bullying

Workplace harassment is also a health and safety issue that is covered under the *Occupational Health and Safety Act*. Employees have an obligation to not harass others in the OSMWTC community and also have a right to be protected against harassment from those in that community.

Workplace harassment is defined in the *Occupational Health and Safety Act* 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

It also includes workplace sexual harassment (as defined in section 4(c) of this policy).

Some examples of workplace harassment are:

- offensive or intimidating comments or jokes
- verbally abusive behaviour such as yelling, insults, ridicule and name-calling, including but not limited to remarks, jokes or innuendos that demean, ridicule, intimidate or offend
- workplace pranks, vandalism, bullying, hazing or aggressive behaviour
- gossiping or spreading rumours, regardless of whether they are malicious
- excluding or ignoring someone, such as persistent exclusion of a particular person from workplace-related social gatherings
- workplace supervision done in a demeaning or abusive manner
- humiliating someone
- sabotaging someone else's work
- displaying or circulating offensive pictures or materials
- offensive or intimidating phone calls, emails, texts or social media communications
- a supervisor/manager impeding an individual's efforts at promotions or transfers for reasons that are not legitimate
- making false allegations about someone in memos or other work related documents
- menacing behaviours such as staring, glaring, inappropriate gestures or unwelcome physical closeness
- violence or behaviour that is reasonable to perceive as a threat of violence toward a person or object

What Isn't Workplace Harassment

The *Occupational Health and Safety Act* states:

A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

Workplace harassment should not be confused with legitimate, reasonable management actions that are part of the normal work function, including but not limited to:

- measures to correct performance deficiencies, such as placing someone on a performance improvement plan
- imposing discipline for workplace infractions
- requesting medical documents in support of an absence from work
- enforcement of workplace rules and policies

It also does not include normal conflict that may occur between individuals or differences of opinion between individuals where it is not hostile or abusive.

5. The Test of Harassment

It does not matter whether you intended to offend someone. The test of harassment is whether you knew or should have known that the comments or conduct were unwelcome to the other person. For example, someone may make it clear through their conduct or body language that the behaviour is unwelcome, in which case you must immediately stop that behaviour.

Although it is commonly the case, the harasser does not necessarily have to have power or authority over the recipient. Harassment can occur, for example, from co-worker to co-worker, between students and instructors, supervisor/manager to employee and employee to supervisor/manager.

Respect in the workplace and learning environment is everyone's responsibility. Any acts that demean, harm or exclude are counter to OSMWTC's culture and should be addressed promptly in accordance with the procedures set out below.

6. Procedure for Resolving and Investigating Harassment & Discrimination Incidents and Complaints

Individuals can report incidents or complaints of workplace harassment verbally or in writing. OSMWTC encourages individuals to report incidents or complaints of harassment or discrimination as soon as possible after experiencing or witnessing the incident so that the matter can be investigated in a timely manner.

The Superintendent and Executive Director may consult with or seek assistance from appropriate OSMWTC officials or external advisors in resolving an incident or complaint.

a) Informal Procedure

If you believe that you are being harassed or discriminated against, the first thing to do (if you feel comfortable doing so) is to tell the person to stop. Do so as soon as you receive any unwelcome comments or conduct. Although this may be difficult to do, telling the person you don't like their actions is often enough to stop the behaviour.

Some of the things you can say that might stop the behaviour include:

"I don't want you to do that."

"Please stop doing or saying..."

It makes me uncomfortable when you..."

"I don't find it funny when..."

If the harassment or discrimination continues after you have confronted the individual, you may want to provide them with a written statement of the situation.

It helps to keep a record of any incident(s) that you experience. This includes when the harassment started, what happened, whether there were any witnesses and what your response was. Information regarding what must be included with your report of an incident or complaint is set out in section 6(c) below (Report of Incident or Complaint).

i. Employees

Employees can report the incident(s) to the Executive Director. If the Executive Director is alleged to be a party to the harassment or discrimination, parties can report the incident(s) to any supervisor or member of management. Complaints can also be made to the Chair of the Board's Human Resources Committee by sending an email to hr@osmwtc.com.

ii. Students and other non-employees

Students and others who are not employees of the OSMWTC can report the incident(s) to the Superintendent, or if the Superintendent is alleged to be a party to the harassment or discrimination, complaints can be made to the Executive Director or Director.

b) Formal Procedure

If the incident or complaint cannot be resolved informally or if it is too serious to handle on an informal basis, individuals can make a formal complaint.

When bringing a formal complaint forward, as much written information as possible will be needed, including the name(s) of the person(s) you believe is harassing or discriminating against you, the place, date and time of the incident(s) and the names of any possible witnesses. Information regarding what must be included with your report of an incident or complaint is set out in section 6(c) below (Report of Incident or Complaint).

It is important that you provide your complaint as soon as possible so that the issue doesn't escalate or happen again. Once we receive your complaint, we will initiate an investigation we deem to be appropriate in the circumstances.

Discrimination and harassment are serious matters. Therefore, if a decision is made not to make a formal complaint by the individual, OSMWTC might still have a legal obligation to undertake an investigation and steps may need to be taken to prevent further discrimination or harassment.

i. Employees

Employees can make a formal complaint to the Executive Director. If the Executive Director is alleged to be a party to the harassment or discrimination, complaints can be made to any supervisor or member of management. Complaints can also be made to the Chair of the Board's Human Resources Committee by sending an email to hr@osmwet.com.

ii. Students and other non-employees

Individuals who are not employees of the OSMWTC can make a formal complaint to the Superintendent, or if the Superintendent is alleged to be a party to the harassment or discrimination, complaints can be made

to the Executive Director or Director.

c) Report of Incident or Complaint (whether formal or informal)

Your report of an incident or complaint can be completed with the assistance of the OSMWTC representative to whom you report the incident, if you wish, and must include:

- your name and contact information
- the name of the alleged harasser(s), his/her position and contact information (if known)
- names of any witness(es) (if any) or other person(s) with relevant information to provide about the incident(s) and contact information (if known)
- details of what happened including date(s), frequency and location(s) of the alleged incident(s)
- any supporting documents you may have in your possession that are relevant to the incident(s)/complaint
- a list of any documents you believe a witness, another person or the alleged harasser(s) may have in their possession that are relevant to the incident(s)/complaint

7. Investigation Procedure

OSMWTC will investigate and deal with all complaints or incidents of harassment and discrimination in a fair and timely manner. An investigation OSMWTC deems appropriate in the circumstances will be undertaken as quickly as possible.

At OSMWTC's sole discretion, the roles and responsibilities of the Superintendent, Executive Director, Director and/or members of the Board in this section can be undertaken by a designate(s). In the event that the Superintendent is alleged to be a party to the harassment or discrimination, the Superintendent's role will be undertaken by the Executive Director or designated members of the Board as deemed appropriate by the Board's Human Resources Committee in the circumstances. The role of designated members of the Board in this section will typically be carried out by members of the Board's Human Resources Committee. In the event that a member of the Board is deemed to be a party to the harassment or discrimination, that Board member will recuse themselves from matters pertaining to the complaint and investigation.

OSMWTC may choose to use an internal or external investigator to conduct the investigation. The Superintendent in consultation with designated members of the Board's HR committee will determine whether an external investigator is required.

At OSMWTC's sole discretion, interim measures may be undertaken once a complaint or incident is known and during the investigation, where appropriate, such as but not limited to, authorizing a leave of absence with pay, temporary transfers or schedule changes, temporary changes to reporting relationships, corrective action or temporary expulsion from OSMWTC-related activities.

The investigation may include:

- interviewing the complainant and respondent to ascertain all of the facts and circumstances relevant to the incident or complaint, including dates and locations

- interviewing witnesses deemed relevant by the investigator, if any
- reviewing any related documentation
- making detailed notes of the investigation and maintaining them in a confidential file

A respondent is required to participate in the investigation process if asked; otherwise, the investigator can reach conclusions without their participation.

All parties to an investigation may have a support person in an advisory capacity present throughout the investigation, provided the support person is not a potential witness nor deemed by the investigator to have a potential impact on the integrity of the investigation.

Once the investigation is complete, the investigator(s) will prepare a detailed report of the findings for review by the Superintendent and designated members of the Board. The Superintendent in consultation with designated members of the Board, and any other applicable representatives of OSMWTC depending on the circumstances as determined by the Board, will determine what action should be taken as a result of the investigation.

Within 10 days of the report being provided to designated members of the Board, the Superintendent will meet separately with each of the complainant and respondent (provided they are workers of OSMWTC) to make them aware in writing of the findings by providing them with a letter stating whether or not the incident or complaint constituted harassment or discrimination or otherwise a breach of policy and provide in writing information regarding corrective action taken or that will be taken, if any, and any steps OSMWTC has taken or will take to prevent similar incidents in the future. Alternatively, at the discretion of the Superintendent and designated members of the Board, the investigator will meet separately with each of the complainant and respondent (provided they are workers of OSMWTC) to provide them with this information in writing.

The Superintendent and designated members of the Board will determine the appropriate amount of information to be shared with the complainant and respondent.

8. Corrective Action

If a finding of harassment or discrimination is made, OSMWTC will take appropriate corrective measures in respect of the individual who engaged in the misconduct, regardless of their seniority or position at OSMWTC.

i. Employees and Board members

Corrective measures may include but are not limited to one or more of the following for employees and Board members:

- discipline, such as a verbal warning, written warning or suspension without pay
- termination with or without cause
- referral for counselling, coaching or training, anger management training, supervisory skills training, or attendance at educational programs on respect in the workplace
- demotion or denial of a promotion
- reassignment or transfer
- financial penalties such as the denial of a bonus or performance related salary increase

- temporary or permanent expulsion of an individual's participation in OSMWTC-related activities and from OSMWTC premises
 - any other disciplinary or remedial action deemed appropriate under the circumstances
- ii. Students and other non-employees

Corrective measures may include but are not limited to one or more of the following for students and other non-employees covered by this policy:

- verbal or written warning
- restitution
- fines
- a behavioural contract
- no-contact directive
- loss of privileges
- probation
- restricted access to OSMWTC premises
- temporary or permanent expulsion of an individual's participation in OSMWTC-related study and activities and from OSMWTC premises
- mandatory withdrawal from OSMWTC study and activities
- withholding of earning a study-related credential
- any other disciplinary or remedial action deemed appropriate under the circumstances

The goal is to complete any investigation and communicate the results to the complainant and respondent (provided they are workers of OSMWTC) as quickly as possible after becoming aware of an incident or a complaint. All efforts will be made to complete the investigation within 90 days if possible. However the timeframe within which an investigation can be completed varies depending on the circumstances of each investigation and the investigation might take longer.

9. Confidentiality of Complaints and Investigations

Due to the sensitive nature of discrimination and harassment incidents and complaints, all information about these incidents and complaints, including identifying information about any individual, will be kept confidential to the extent possible. We will only release as much information as is necessary to investigate and respond to the incident or complaint, to take corrective action with respect to the incident or complaint, to protect a worker or if required to do so by law.

Out of respect for the individuals involved and to protect the integrity of the investigation, it is essential that the complainant, respondent, witnesses, and anyone else involved in or aware of the investigation of an incident or complaint maintain strict confidentiality throughout the investigation and afterwards and that they not discuss the incident/complaint and investigation with anyone other than if necessary to obtain advice from the appropriate individual(s) regarding their rights in the process.

All information about incidents and complaints, including but not limited to: a copy of the complaint or details

about an incident; a record of the investigation, including notes; a copy of any witness statements taken; a copy of any investigation report; a copy of the results of the investigation provided to any party; and a copy of any corrective action taken to address the complaint or incident, will be stored in a confidential investigation file separate from the employees' personnel files. These records will be kept for at least one year from the conclusion of the investigation.

All individuals, representatives and support persons are required to fully cooperate in the investigation process and to not in any way impede, obstruct or behave in a manner that potentially jeopardizes the integrity of the investigation. Breaching confidentiality or acting in a manner that obstructs, impedes or affects the integrity of the investigation is subject to discipline up to and including termination of employment of employees and, for all others covered by this policy, expulsion from participation in the investigation process and OSMWTC-related premises, study and activities.

10. What to Do if You are Accused of Harassment or Discrimination

If you are asked by a co-worker or other individual covered by this policy to stop behaviours which could reasonably constitute harassment or discrimination, evaluate your behaviour. Even if you did not mean to offend, your behaviour has been perceived as offensive. Stop the behaviour that the person finds offensive and apologize. Failure to stop this behaviour will leave you more vulnerable to disciplinary or corrective action if it is determined the behaviour is inappropriate or constitutes harassment or discrimination. If you believe the incident has been reported or the complaint has been made in bad faith or is malicious in nature, discuss this with the Superintendent, Executive Director, a supervisor or member of management.

11. Protection from Retaliation or Reprisal

OSMWTC will not tolerate retaliations, taunts, or threats against anyone who reports an incident or complains about discrimination or harassment or takes part in an investigation. Such conduct is contrary to this policy and can be a violation of the law under the *Human Rights Code* and the *Occupational Health and Safety Act*. Any person who taunts, retaliates against or threatens anyone in relation to a discrimination or harassment incident or complaint may be disciplined up to and including termination of employment for employees and, for all others covered by this policy, expulsion from participation in the investigation process and OSMWTC-related premises, study and activities.

If you report an incident or make a complaint in good faith and without malice, regardless of the outcome of the investigation, you will not be subject to any form of discipline or corrective action. OSMWTC will, however, impose any appropriate consequences upon anyone who brings a false and malicious complaint, including discipline up to and including terminating the employment of an employee, or expulsion from OSMWTC study, premises and activities for non-employees.

12. Training

All employees and the Board will receive training and communications on this policy and any related policy and program. All students will have access to this policy and any related applicable policy upon commencing study with OSMWTC.

13. Worker Support and Assistance

OSMWTC members have access to an Employee and Family Assistance Program through their local unions and collective agreements to provide confidential and anonymous counselling services. If support or assistance is needed, employees are also able to seek support from the Joint Health and Safety Committee or Health and Safety Representative, the Board's Human Resources Committee and/or, if appropriate, the Human Rights Legal Support Centre.

14. Review

The Joint Health and Safety Committee or Health and Safety Representative will review this policy as often as necessary or at least annually.

**Chair of the Board
Provincial Sheet Metal Workers
Training Centre Corp.**

DATE

Sexual Violence Policy

1. Policy Statement

The Provincial Sheet Metal Workers Training Corp., operating and known as the Ontario Sheet Metal Workers Training Centre (collectively referred to in this policy as the “OSMWTC”), recognizes that all members of the OSMWTC community have a right to work and study in an environment that is free from any form of sexual violence.

Sexual violence in all its forms is unacceptable and will not be tolerated at OSMWTC. OSMWTC recognizes that sexual violence can occur between individuals regardless of sex, sexual orientation, gender, gender identity or expression, or relationship status.

2. Purpose of the policy

This policy sets out the way in which we address sexual violence. It encourages action to prevent sexual violence, ensures that those affected by sexual violence are believed in seeking support from OSMWTC and are appropriately accommodated and establishes a fair process for complaint resolution that protects the rights of individuals and holds individuals who have committed an act of sexual violence accountable.

The roles and responsibilities of the OSMWTC Executive Director, Administrator and the Board set out in this policy can be delegated by the OSMWTC to others internal or external to the organization as it deems necessary to address any incident of alleged sexual assault or sexual violence.

3. Scope

This policy applies to all members of the OSMWTC community engaged in OSMWTC-related study, work, travel, social interaction or other contact subject to the limitations set out below, including but not limited to any person who performs work or supplies services for monetary compensation, including but not limited to, employees, the Provincial Sheet Metal Workers Training Corp. Board (the “Board”) and members of standing and ad hoc committees established by the Board, as well as students, trainees, interns, apprentices, clients, contractors, suppliers, consultants, volunteers, individuals who are directly connected to any joint OSMWTC initiatives and visitors to OSMWTC.

- The complaint resolution protocol in this policy applies to all incidents of sexual violence in which both the complainant and the respondent are students.
- If the alleged perpetrator is another member of the OSMWTC community, you may file a complaint under the Harassment and Discrimination policy. If the alleged perpetrator is not a member of the OSMWTC community, you can also contact the local police or contact a Sexual Violence Response Advisor who can assist you in contacting the police.
- The policy applies to incidents that occur off OSMWTC premises if the incident has the potential to adversely affect an individual’s study or work performance at OSMWTC or create a negative study or work environment within OSMWTC.

- If a respondent's relationship with OSMWTC ends and that person is no longer a member of the OSMWTC community, OSMWTC may choose to suspend the processes under this policy. If the respondent becomes a member of the OSMWTC community again, OSMWTC may reinstate the process after notifying the complainant and respondent.

4. Supports, services and accommodations

Individuals who are affected by sexual violence may contact the OSMWTC Executive Director or Administrator, who will serve as Sexual Violence Response Advisors, to obtain supports, services and accommodation. The Sexual Violence Response Advisor will explain options and facilitate contact with the police if applicable. If there are safety concerns, the Sexual Violence Response Advisor will develop a safety plan.

Individuals affected by sexual violence are not required to complain to receive supports, services and accommodations from OSMWTC.

Note: The Appendix to this policy includes more information about supports and services available to those who are affected by sexual violence.

5. Definitions

Consent	<p>Consent means the voluntary and explicit agreement to engage in the sexual conduct in question. It is the act of willingly agreeing to engage in specific sexual behaviour, and requires that a person is able to freely choose between two options: yes and no. This means that there must be an understandable exchange of words or actions that indicate a willingness to participate in mutually agreed upon sexual activity.</p> <p>It is the responsibility of the initiator of sexual activity to ensure clear and affirmative responses are communicated at all stages of sexual engagement. It is also the initiator's responsibility to know if the person they are engaging with sexually is a minor.</p> <p>Furthermore:</p> <ul style="list-style-type: none"> • Silence or non-communication will not be interpreted as consent under this policy. • Consent cannot be given on behalf of another person. • Consent given in the past to sexual activity does not mean that consent exists for future sexual activity.
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	<ul style="list-style-type: none"> • A person who has been threatened or coerced into engaging in the sexual activity is not consenting to it. • A person who is “incapacitated” due to the ingestion of drugs or alcohol or due to some other reason cannot give consent. • Consent cannot be obtained by a person in a position of trust, power or authority (e.g., an instructor who teaches a student). • A person can withdraw consent at any time during the course of a sexual encounter. <p>As per the <i>Criminal Code of Canada</i>, it is not a defence to an allegation of sexual violence that the respondent believed that the complainant consented to the activity that forms the subject matter of the complaint, where (a) the respondent’s belief arose from the respondent’s (i) self-induced intoxication; or (ii) recklessness or wilful blindness; or (b) the respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain that the complainant was consenting.</p>
Coercion	In the context of sexual violence, coercion is unreasonable and persistent pressure for sexual activity. Coercion might include the use of emotional manipulation, blackmail, threats to family or friends, or the promise of rewards or special treatment to persuade someone to do something they do not wish to do, such as being sexual or performing particular sexual acts.
(To) Report	To share information about an incident of sexual violence with OSMWTC for the purpose of receiving support, counselling, or other services or to obtain information about how to make a complaint.
Complaint	Sharing information about an incident of sexual violence with OSMWTC to initiate a formal process by which one or more respondents can be held accountable.
Complainant	An individual affected by sexual violence who has filed a complaint.
Incapacity	A person is incapable of consenting if they cannot understand the sexual nature of the activity or cannot understand that they may choose to decline to participate in the activity.

	Under this policy, a person who is significantly impaired (and not merely disinhibited) by alcohol or drugs is deemed to be incapable of consenting as is a person who is asleep, unconscious or otherwise unable to communicate.
Respondent	An individual who is the subject of a complaint made under this policy.
Sexual assault	<p>A criminal offence under the <i>Criminal Code of Canada</i> that includes any form of sexual contact without consent. Sexual assault includes any type of unwanted sexual act such as unwanted kissing, fondling, touching, oral or anal sex, vaginal intercourse or other forms of penetration, or any unwanted act of a sexual nature.</p> <p>Acquaintance sexual assault is sexual contact that is forced, manipulated, or coerced by a partner, friend or acquaintance.</p>
Sexual harassment	<p>Engaging in a course of vexatious comment or conduct against a person 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.</p> <p>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 and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.</p>
Sexual violence	Any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.
Survivor	Some who have experienced sexual violence may choose to identify as a survivor. Individuals might be more familiar with the term "victim." We use the term survivor throughout this policy where relevant because some who have experienced sexual assault believe they have overcome the violent experience and do not wish to identify with the victimization. It is the prerogative of the person who has experienced these circumstances to determine how they wish to identify. They may also be referred to in this policy as a "complainant".

Cyber sexual violence	Includes but is not limited to knowingly publishing, distributing, transmitting, selling, making available or advertising an intimate image of a person, knowing that the person depicted in the image did not give their consent to that conduct, or being reckless as to whether or not that person gave their consent to that conduct. An intimate image includes but is not limited to a visual recording of a person made by any means, including a photographic, digital or video recording, in which the person is nude and/or engaged in sexual activity. For the purpose of this policy, sexual violence includes cyber sexual violence.
Cyber sexual harassment	Includes but is not limited to sexual harassment conducted in whole or in part through electronic means, such as email, web postings, text messaging, and other forms of electronic behaviour. For the purpose of this policy, sexual harassment includes cyber sexual harassment.
Gender-based harassment	Includes but is not limited to engaging in a course of vexatious comment or conduct related to a person's sex, gender, sexual orientation, gender identity or gender expression that is known or ought reasonably to be known to be unwelcome.
Sexual Violence Response Advisor	The Executive Director, Administrator or designate.

6. OSMWTC commitments

OSMWTC is committed to:

- preventing sexual violence and fostering a community in which OSMWTC community members are able to work, learn and express themselves free of sexual violence
- supporting OSMWTC community members who have been affected by sexual violence by providing supports, services and options and by recognizing that such individuals are the final decision-makers about their own best interests
- appropriately accommodating the needs of OSMWTC community members who have been affected by sexual violence

- responding to and investigating reports and complaints of sexual violence appropriately and in accordance with the law
- addressing complaints of sexual violence fairly and expeditiously

All OSMWTC students who have been affected by sexual violence have the right to:

- be believed
- be treated with dignity and respect
- be informed about services and resources
- decide whether or not to access available services and to choose those services they feel will be most beneficial
- decide whether to report to an OSMWTC Sexual Violence Response Advisor and/or local police
- have a safety plan, and
- have reasonable and necessary actions taken to prevent further unwanted contact with the alleged perpetrator(s).

7. Protection from reprisals and threats

No member of the OSMWTC community shall retaliate or threaten to retaliate against a person for reporting an incident of sexual violence, for filing a complaint under this policy, for cooperating with or participating in a sexual violence investigation or process under this policy or for otherwise pursuing their rights under this policy.

OSMWTC will take reasonable steps to protect complainants, witnesses and others from retaliation, including by directing individuals in writing to refrain from retaliation and threatening retaliation and sanctioning individuals for breach of this duty.

8. Information is shared to resolve complaints

Although OSMWTC treats the subject matter of complaints as confidential, those considering making a complaint should beware that:

- OSMWTC will disclose information to the respondent for the purpose of investigating and resolving a complaint; and

- OSMWTC may disclose information to others to meet its duty to provide a work and learning environment free of sexual violence (e.g., to investigate and resolve the complaint or address a safety risk).

In this context, OSMWTC's commitment to confidentiality means disclosing information only to those who need to know and limiting the disclosure of information to what needs to be disclosed. It also means keeping information reasonably secure in light of its sensitivity.

9. Multiple proceedings

Where criminal and/or civil proceedings are commenced in respect to the allegations of sexual violence, OSMWTC shall conduct its own independent investigation into such allegations, and will make its own determination in accordance with its policies and procedures. Where there is an ongoing criminal investigation, OSMWTC will cooperate with the local police.

10. If you would like to file or initiate a complaint

1. Any student may file a complaint of a violation under this policy against another student.
2. A complainant may withdraw a complaint at any time, though OSMWTC may continue to investigate as appropriate in light of its duty to maintain a working and learning environment free of sexual violence.
3. Sexual violence complaints are made by providing information about the allegations (with detailed facts) and by providing key documentation that supports the allegations.
4. Students are not required to file a formal complaint to obtain supports, services, or appropriate accommodation from OSMWTC.
5. A Sexual Violence Response Advisor can assist you with filing a complaint.
6. Complainants may report sexual violence to the police before or after filing a complaint with OSMWTC. In some situations, it may be necessary for OSMWTC to suspend its complaint process while the police are investigating or after charges are laid.

11. Complainant participation is optional

No person affected by sexual violence is required to participate in an investigation or the other aspects of OSMWTC's complaint resolution protocol. However, complainants should understand that OSMWTC may be unable to reach a misconduct finding without their input.

12. What to do if someone discloses allegations of sexual violence

1. If someone discloses to you that they have been subject to sexual violence, a supportive response involves:
 - Listening without judgment and accepting the disclosure as true
 - Communicating that sexual violence is never the responsibility of the survivor
 - Helping the survivor identify and/or access available on- or off-campus services, including emergency medical care and counselling
 - Respecting the survivor's right to choose the services they feel are most appropriate and to decide whether to report to the police and/or a Sexual Violence Response Advisor
 - Recognizing that disclosing can be traumatic and a survivor's ability to recall the events may be limited
 - Respecting the survivor's choices as to what and how much they disclose about their experience, and
 - Making every effort to respect confidentiality and anonymity.
2. If disclosure is made to staff by a student seeking support or study-related accommodations, the staff should refer the student to a Sexual Violence Response Advisor to ensure that the student receives all necessary accommodations.
3. As indicated above, if staff of OSMWTC become aware of an allegation of sexual violence against another member of the OSMWTC community, the staff is required to report the alleged incident to a Sexual Violence Response Advisor immediately.

13. What to do if you witness sexual violence

1. All members of the OSMWTC community who have witnessed sexual violence have a duty to immediately report all incidents and suspected incidents of sexual violence to a Sexual Violence Response Advisor and cooperate with an OSMWTC investigation.
2. If you have witnessed sexual violence, please call a Sexual Violence Response Advisor or the police and they will assist you by providing resources and necessary support.
3. A number of other resources are available to you, including:
 - Employee and Family Assistance Program (for employees through their collective bargaining agreement)

- Good2Talk 1.866.925.5454
- Call the police or emergency services at 911

Note: Information about additional community resources is available in [Appendix I](#).

14. How will OSMWTC respond to a report of sexual violence?

1. OSMWTC will assess and respond appropriately to every report given its commitment to maintain a working and learning environment free of sexual violence.
2. Where a report of sexual violence has been reported to OSMWTC, it will exercise care to protect and respect the rights of both the complainant and the respondent. OSMWTC understands that individuals who have experienced sexual violence may wish to control whether and how their experience will be dealt with by the police and/or OSMWTC. In most circumstances, the person will retain this control.
3. A person who has experienced sexual violence may choose not to request an investigation and has the right not to participate in any investigation that may occur.
4. In certain circumstances, however, OSMWTC may be required to initiate an internal investigation and/or inform the police of the need for a criminal investigation, even without the survivor's consent, if OSMWTC believes that the safety of other members of the OSMWTC community and/or the vulnerable sector is at risk. The confidentiality and anonymity of the person(s) affected will be prioritized in these circumstances.
5. A report of sexual violence may also be referred to the police or to other community resources, at the complainant's request, where the person(s) involved are not members of the OSMWTC community, or where otherwise appropriate in circumstances when OSMWTC is unable to initiate an internal investigation under this policy.

15. Support and representation

Complainants and respondents may attend meetings with a single, non-participating support person (provided they are not a potential witness in the investigation), though the OSMWTC may exclude a support person from all or part of a process under this policy if it believes the presence of the support person will affect the quality of the process or the integrity of any investigation. The support person's role is not to act or speak on behalf of the student, but to be available for assistance and support.

16. OSMWTC may informally resolve complaints

OSMWTC may informally resolve a complaint at any time after receiving it. OSMWTC recognizes that complainants have a significant interest in the manner in which their complaints are resolved, but OSMWTC

reserves the right to resolve a complaint without a complainant's agreement when resolution is agreeable to the respondent or respondents and appropriate in light of the purpose of this policy.

Solutions may include early interventions and resolutions such as, facilitated conversations, voluntary mediation (direct or indirectly held through a third party) or other restorative mechanisms, when appropriate.

Prior to engaging in a resolution process, complainants and respondents involved in the process will be informed by OSMWTC of their need to consider the possible impact of their participation on other external processes (e.g. criminal or civil legal processes) and encourage participants to seek further advice as they may deem appropriate.

17. Interim measures

The rights and privileges of a respondent may be restricted by OSMWTC at its sole discretion before it makes a finding about whether the alleged misconduct occurred. For example, while not an exhaustive list, a respondent may be subject to a no contact order, restrictions on access to OSMWTC property and a temporary suspension from OSMWTC premises and activities.

Interim measures will be imposed only as necessary to meet the needs of complainants and provide for the safety of the OSMWTC community. OSMWTC will also take steps to minimize the impact of interim measures on respondents.

Interim measures are not punishment and do not represent a finding of misconduct. OSMWTC may impose interim measures immediately, prior to initiating or concluding the investigation or resolution process. Respondents may ask OSMWTC to review a decision to impose interim measures, but only to address the impact of the imposed measure and the preference for other alternatives.

18. Investigation Procedure

OSMWTC will investigate and deal with all reports of sexual violence in a fair and timely manner. The OSMWTC will decide whether a complaint will be investigated, ordinarily within seven days of receiving a complaint.

Subject to applicable law, the OSMWTC may decide not to initiate an investigation (a) if the complaint does not name a respondent who is a current OSMWTC student or (b) the allegations, if proven to be true, would not constitute sexual violence.

If the OSMWTC determines an investigation will be undertaken, it will conduct an investigation OSMWTC deems appropriate in the circumstances as quickly as possible.

At OSMWTC's sole discretion, the roles and responsibilities of the Executive Director, Administrator and/or members of the Board in this section can be undertaken by a designate(s). In the event that the Executive Director is alleged to be a party to the sexual violence, the Executive Director's role will be undertaken by

designated members of the Board as deemed appropriate by the Board's Human Resources Committee in the circumstances. The role of designated members of the Board in this section will typically be carried out by members of the Board's Human Resources Committee. In the event that a member of the Board is deemed to be a party to the sexual violence, that Board member will recuse themselves from matters pertaining to the complaint and investigation.

The Executive Director will notify the complainant and respondent in writing of the investigation and any interim measures. The notice to the respondent will include a brief summary of the nature of the allegations made.

The notice will also advise complainants and respondents of potential sources of support and that any concerns about the appropriateness of the interim measures may be raised with the Executive Director.

OSMWTC may choose to use an internal or external investigator to conduct the investigation. The Executive Director in consultation with designated members of the Board will determine whether an external investigator is required.

The investigation may include:

- interviewing the complainant and respondent to ascertain all of the facts and circumstances relevant to the incident or complaint, including dates and locations
- interviewing witnesses deemed relevant by the investigator, if any
- reviewing any related documentation
- making detailed notes of the investigation and maintaining them in a confidential file

A respondent is required to participate in the investigation process if asked; otherwise, the investigator can reach conclusions without their participation.

Once the investigation is complete, the investigator(s) will prepare a detailed report of the findings for review by the Executive Director and designated members of the Board. The Executive Director in consultation with designated members of the Board, and any other applicable representatives of OSMWTC depending on the circumstances as determined by the Board, will determine what action should be taken as a result of the investigation.

The goal is to complete any investigation and communicate a brief summary of the results to the complainant and respondent as quickly as possible after becoming aware of a report of a breach of this policy. All efforts will be made to complete the investigation within 30 days if possible. However, the timeframe within which an investigation can be completed varies depending on the circumstances of each investigation and the investigation might take longer.

19. Sanctions

If OSMWTC finds there has been misconduct, it will determine the appropriate sanctions. If a finding is made that sexual violence has occurred, OSMWTC will take appropriate corrective measures in respect of the individual who engaged in the misconduct. Sanctions may include but are not limited to, one or more of the following:

- verbal or written warning
- restitution
- fines
- a behavioural contract
- no-contact directive
- loss of privileges
- probation
- restricted access to OSMWTC premises
- temporary or permanent expulsion of an individual's participation in OSMWTC-related study and activities and from OSMWTC premises
- mandatory withdrawal from OSMWTC study and activities
- withholding of earning a study-related credential
- any other disciplinary or remedial action deemed appropriate under the circumstances

20. Written decision

1. OSMWTC will provide notice in writing to the complainant and respondent provided they are members of the OSMWTC community to:
 - make them aware in writing of the outcome of the investigation and a summary of the reasoning including whether the respondent's conduct constituted a breach of the Sexual Violence Policy
 - provide in writing information regarding sanctions imposed
2. The Executive Director and designated members of the Board will determine the appropriate amount of information regarding sanctions, if any, to be shared with a complainant.

21. Vexatious complaints are prohibited

No false or malicious complaints shall be filed. No complaint shall be filed to purposely annoy, embarrass or harm a respondent. Individuals who file such complaints may be subject to sanctions under this policy.

APPENDIX I

A. If you have experienced or been affected by sexual violence

1. If you have experienced or have been affected by sexual violence and require support and accommodation please call:
 - Sexual Violence Response Advisor (the Executive Director or Administrator)
2. If you wish to file a report under this Sexual Violence Policy, you can call:
 - the police
 - emergency services at 911
 - an OSMWTC Sexual Violence Response Advisor
3. It is often difficult to disclose and report incidents of sexual violence. It is entirely up to you if you choose to report the incident; however, we strongly encourage you to do so.

B. Internal Contacts

Position	Name	Email	Phone
Executive Director	Scott Wood	scott@osmwtc.com	(905)829-5655 ext. 23
Administrator	Tanja Gaytan	pttftrainingcentre@yahoo.ca	(905)829-5655 ext. 21

C. Other resources and supports available to you

Halton Region	
SAVIS, or Sexual Assault and Violence Intervention Services of Halton for crisis support and ongoing support	905.875.1555

Nina's Place – Sexual Assault and Domestic Violence Care Centre (Joseph Brant Hospital in Burlington - enter through Emergency Room) for medical attention	905.632.3737 ext. 5708
Halton Regional Police	905.825.4777 for non-emergency 911 for emergency
Victim Services-Halton Police	905.825.4777 ext. 4923 for the Sexual Violence Outreach person
COAST: Crisis Outreach and Support Team	1.877.825.9011
Peel Region	
• Hope 24/7 for crisis and ongoing support	1.800.810.0180
Chantel's Place – Sexual Assault and Domestic Violence Services (Mississauga Hospital – enter through Emergency Room) for medical attention	905.848.7580 ext. 2548.
Peel Regional Police	905.453.3311 for non-emergency 911 for emergency
Victim Services of Peel	905.568.1068
24.7 Crisis Support Peel	905.278.9036
Family Services of Peel (LGBTQIAAP)	905.453.5775
Other Help Available	
Good2Talk	1.866.925.5454

	or connect through 2-1-1 Text GOOD2TALKON to 686868
Support Services for Male Survivors of Sexual Violence	1.866.887.0015
Assaulted Women's Helpline	1.866.863.0511
Talk4Healing for Indigenous women	1.855.554.HEAL at 1.855.554.4325
If you experience thoughts of suicide	Go to your closest hospital emergency department. Call a distress line: 416.408.4357 (HELP) TTY: 416.408.0007
Canadian Human Trafficking Hotline	1.833.900.1010

Sexual Assault Centres in Ontario

Region in Ontario	Sexual Assault Centre	24-hr Crisis Li
Algoma (Sault Ste. Marie)	<u>Women in Crisis Algoma</u>	1.877.759.123
Belleville-Quinte	<u>Sexual Assault Centre for Quinte & District</u>	1.877.544.642
Brant	<u>Sexual Assault Centre of Brant</u>	519.751.3471

Region in Ontario	Sexual Assault Centre	24-hr Crisis Line
Bruce County	<u>Women's House Serving Bruce and Grey: Sexual Assault Services</u>	1.866.578.55
Chatham-Kent	<u>Chatham-Kent Sexual Assault Crisis Centre</u>	519.354.8688
Cornwall	<u>Sexual Assault Support Services for Women, Cornwall</u>	<ul style="list-style-type: none"> • English: 613.932.1 • French: 613.932.1
East Algoma (Elliot Lake)	<u>Counselling Centre of East Algoma</u>	1.800.721.007
Guelph-Wellington	<u>Guelph-Wellington Women in Crisis</u>	<ul style="list-style-type: none"> • 519.836.57 • 1.800.265.
Halton (Oakville)	<u>Sexual Assault & Violence Intervention Services of Halton</u>	905.875.1555
Hamilton	<u>Sexual Assault Centre Hamilton & Area (SACHA)</u>	905.525.4162
Kawartha (Peterborough & Area)	<u>Kawartha Sexual Assault Centre</u>	705.741.0260
Kenora	<u>Kenora Sexual Assault Centre</u>	<ul style="list-style-type: none"> • 807.468.72 • 1.800.565.6

Region in Ontario	Sexual Assault Centre	24-hr Crisis Line
Kingston	<u>Sexual Assault Centre Kingston</u>	<ul style="list-style-type: none"> • 613.544.4111 • 1.877.544.4111
London-Middlesex	Sexual Assault Centre London	<ul style="list-style-type: none"> • 519.438.2222 • 1.877.529.2222
Muskoka	<u>Athena's Sexual Assault Counselling & Advocacy Centre</u>	<ul style="list-style-type: none"> • 705.737.2222 • 1.800.987.2222
Niagara	Niagara Region Sexual Assault Centre	905.682.4584
Nipissing	Amelia Rising Sexual Assault Centre of Nipissing	705.476.3355
Oshawa-Durham	Oshawa-Durham Rape Crisis Centre	905.668.9200
Ottawa SASC	Sexual Assault Support Centre of Ottawa	613.234.2266
Ottawa RCC	Ottawa Rape Crisis Centre	613.562.2333
Peel	Hope 24/7: Sexual Assault Centre of Peel	1.800.810.0180
Renfrew	Women's Sexual Assault Centre of Renfrew County	1.800.663.3060

Region in Ontario	Sexual Assault Centre	24-hr Crisis
Sarnia-Lambton	Sexual Assault Survivors' Centre Sarnia-Lambton	519.337.332
Sudbury	Voices for Women Sudbury Sexual Assault Centre	
Thunder Bay	Thunder Bay Sexual Abuse & Sexual Assault Counselling & Crisis Centre	807.344.4502
Timmins	Timmins and Area Women in Crisis	1.877.268.831
Toronto	Multicultural Women Against Rape/Toronto Rape Crisis Centre	416.597.8808
Waterloo	Sexual Assault Support Centre of Waterloo Region	519.741.8633
Windsor-Essex	Sexual Assault Crisis Centre of Essex County	519.253.9667
York	Women's Support Network of York Region	<ul style="list-style-type: none"> • 1.800.263. • 905.895.73

Student Code of Conduct

1. Purpose

To establish OSMWTC's standards of student behaviour that reflect its values and to provide a framework to resolve issues if the standards are not met.

This policy supersedes any prior OSMWTC policy related to student code of conduct.

2. Scope

This Code of Conduct applies to the conduct of all registered full-time and part-time students and applicants to OSMWTC programs that occurs on OSMWTC property or that is related to OSMWTC activities in any geographic location.

This Code of Conduct applies to:

- Conduct that occurs in or on all OSMWTC property;
- The behaviour of a student's invited guests on campus and at OSMWTC events;
- Conduct that occurs at an OSMWTC-sanctioned program, event, or activity, whether the program, event, or activity is on campus or off campus;
- Persons who withdraw from enrollment at OSMWTC after allegedly violating the Code of Conduct or who are not officially enrolled for a particular term but who have a continuing relationship with the OSMWTC. Such persons are considered students, and any allegations against them may need to be resolved prior to their being able to attend OSMWTC programs or events; and
- Conduct that occurs off campus when students have violated laws or OSMWTC policies. In these instances, the student may be held accountable for their off-campus actions by the OSMWTC:
 - a) when the student is acting as a designated representative of the OSMWTC or a student organization affiliated with the OSMWTC or when the individual holds out that they are a representative of the OSMWTC or a representative/member of a student organization affiliated with the OSMWTC;
 - b) when the student is participating in a course-related activity, including but not limited to, practicums, placements, volunteering, or exchange programs; and
 - c) when the student's conduct might reasonably be seen to have an adverse effect on, interfere with, or threaten the proper functioning of OSMWTC, its mission, or the rights of a member of the OSMWTC community to use and enjoy OSMWTC's learning and working environments, or that raises concerns for the safety or security of an individual or individuals while on campus or while participating in OSMWTC programs, events, or activities (e.g., criminal charges for violence that could impact campus safety).

3. Policy Statement

Community is at the heart of OSMWTC's values. It expresses the connections we have with each other, support we give each other and the respect we show each other. OSMWTC is committed to principles of respect, inclusion and equality.

OSMWTC's Student Code of Conduct is designed to promote behaviour that reflects OSMWTC's values – behaviour that also reflects the honesty, trust and fairness expected in the actions of all members of the OSMWTC community.

In addition to OSMWTC's Student Code of Conduct, students also have rights and responsibilities under the laws of local, provincial and federal governments, other OSMWTC policies, guidelines or regulations.

4. Key Definitions

Behavioural contract

An agreement between a student who has engaged in prohibited behaviour and OSMWTC that outlines conditions the student must follow to continue their studies. The contract may be for a specified period or for the full duration of the student's program.

Complainant

An individual who initiates a complaint or raises a concern under this Code of Conduct about a student's behaviour.

Employee

Staff and administrators of the OSMWTC.

Loss of privileges

The revoking of privileges for a student who has engaged in prohibited behaviour to access or use OSMWTC facilities and services for a designated period of time or permanently.

Mandatory withdrawal

Permanent withdrawal from OSMWTC of a student who has engaged in prohibited behaviour from OSMWTC. The student may not be allowed to register in the future.

OSMWTC community

All members of the OSMWTC community engaged in OSMWTC-related study, work, travel, social interaction or other contact, including but not limited to, employees of OSMWTC, the Provincial Sheet Metal Workers Training Corp. Board (the "Board") and members of standing and ad hoc committees established by the Board, as well as students, trainees, interns, apprentices, clients, contractors, suppliers, consultants, volunteers, individuals who are directly connected to any joint OSMWTC initiatives and visitors to OSMWTC.

Probation

A written reprimand in effect for a period of time with clear written conditions for a student who has engaged in prohibited behaviour to maintain their status at OSMWTC.

Respondent

A student alleged to have violated OSMWTC's Student Code of Conduct.

Restitution

Compensation paid by a student who has engaged in prohibited behaviour to make up for a loss, damage or injury. This may include service, payment of money or replacement of property.

Suspension or Expulsion

The exclusion of a student who has engaged in prohibited behaviour from OSMWTC programs and/or other activities for a specific period of time (suspension) or permanently (expulsion). It may also involve the exclusion of the student from entering onto OSMWTC-owned or controlled property or that of one or more of OSMWTC's partners.

Warning

A verbal or written notification that continuing or repeating certain conduct will result in further disciplinary action up to and including mandatory withdrawal from OSMWTC.

Withholding of credential

The refusal to award a student who has engaged in prohibited behaviour an OSMWTC program credential.

5. Rights and Responsibilities**i. Students**

Students shall:

- Familiarize themselves and comply with this Code of Conduct and all other OSMWTC policies referred to in this Code of Conduct
- Conduct themselves in a manner that is civil, courteous and respectful and respects civil and criminal law, the safety and well-being of the OSMWTC community and OSMWTC's students, employees, property and reputation
- Make responsible decisions about their behaviour, including how they resolve differences with other members of the OSMWTC community
- Comply with the directions of OSMWTC and its employees and administrators, as well as any affiliated representatives, instructors, partners and volunteers acting in the performance of their duties
- Students have the right to express themselves as long as it does not interfere with the rights of others, and the right to study and work in an environment free from disrespect, discrimination and harassment

ii. OSMWTC

OSMWTC shall:

- Ensure a safe and respectful environment for all students, employees, guests and visitors
- Provide an environment free from discrimination and harassment
- Foster the best possible teaching and learning community
- Support a great student experience

- Enhance its institutional reputation

6. Prohibited Conduct

Students are expected to model good citizenship, and to engage in responsible and respectful conduct. The following list sets out examples of prohibited conduct. It is not intended to be exhaustive or exclusive. Prohibited conduct also includes any behaviour that is contrary to the spirit of this Code of Conduct.

a) Contravention of OSMWTC Policy, Rule or Regulation

Violation of any OSMWTC policy, rule, or regulation published or posted by the OSMWTC.

b) Disruption or Interference

- i. Disruption or obstruction by action, threat or otherwise, of any OSMWTC activity including teaching, learning, research, administration, disciplinary proceedings, events, or any behaviour or conduct that disrupts the normal operations of the OSMWTC and infringes on the rights of other members of the OSMWTC community.
- ii. Interfering with, obstructing, disrupting, misleading, or failing to comply with the directions of any OSMWTC representative or their designate acting in the performance of their duties and in the scope of their employment.
- iii. Causing, inciting, or participating in any disturbance that presents a clear and present danger to others, causes physical harm to others, or results in damage and/or destruction of property on or off campus.

c) Misconduct Involving Other People

- i. Any physical harm or threat of physical harm to any person;
- ii. Intimidation, threats, or coercion that create conditions that endanger the health, safety, or well-being of any person.
- iii. Any use of, recording of, or dissemination of information including audio or visual images of an individual without their consent that is unwelcome and/or known or ought to reasonably be known to cause harm or distress.
- iv. Unwelcome contact (including written or electronic communication) against another individual that is severe, pervasive, persistent, and objectively offensive in ways that substantially interfere with the ability of a person to work, live, learn, or participate in OSMWTC activities.
- v. Abusive communication such as, for example, any unwelcome words, remarks, jokes or images received or distributed in person or by telephone, letter, electronic mail or any communication

medium, including social media, that intimidate, disparage or cause humiliation, offence or embarrassment to a person.

- vi. Dissemination of slanderous, defamatory or libelous material regarding any member of the OSMWTC community using any medium.

d) Hazing

- i. Engaging in conduct that is, or is reasonably seen to be, humiliating or demeaning to another person or coercing, enticing, or inciting a person to commit an act that is, or is reasonably seen to be, humiliating or demeaning to that person or to others for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The express or implied consent of the harmed party will not be a defence. Apathy or acquiescence in the presence of such conduct are not neutral acts and will be considered violations of this Code of Conduct.
- ii. Forcing, through any means or requiring violation of municipal, provincial, federal laws, and/or violation of OSMWTC policies as a condition of membership in a group.

e) Misconduct Involving Property

- i. Unauthorized entry and/or presence on any premises of the OSMWTC or any premises used for OSMWTC sponsored programs, events, or activities.
- ii. Misappropriation, damage, unauthorized possession, defacement, vandalism, and/or destruction of premises or property of the OSMWTC or the property of others on or off campus.
- iii. Attempted or actual theft of, use of, and/or possession of property known to be stolen, or taking property of another without consent, even with an intent to return the property.
- iv. Use of OSMWTC facilities, equipment, or services contrary to expressed instruction or without proper authority.
- v. Misuse of OSMWTC supplies and documents, including equipment, technology resources, keys, transcripts, and permits.
- vi. Interfering with, obstructing, or tampering with OSMWTC emergency telephones, fire protection equipment, or emergency facilities (e.g., fire bells, fire extinguishers, fire hoses), disconnecting or blocking fire alarms, setting unauthorized fires, raising a false fire alarm, or blocking or wedging open fire and smoke doors in corridors or stairways.

f) Misrepresentation or False Information

- i. Furnishing false, incomplete, or misleading information about oneself or another individual.

- ii. Failing to provide identification and comply with requests of OSMWTC representatives or a local police service acting in the scope of their duties, including failure to identify oneself when requested to do so.
- iii. Forging, altering, or misusing any document, record, card, or instrument of identification.
- iv. Altering or misusing OSMWTC's name, the name of an OSMWTC employee or representative, documents, records or identification.

g) Drugs and Controlled Substances

- i. Distribution, attempting to distribute, possession, or attempting to possess, misuse, consume, cultivate, or manufacture controlled substances, including prescription and non-prescription drugs in any amount except as expressly permitted by law.
- ii. Possession, or attempting to possess, manufacture, and/or use any drug related paraphernalia except as expressly permitted by law.

h) Smoking and Alcohol

- i. Contravention of federal, provincial, or municipal smoking laws, or violation of OSMWTC policies relating to smoking on OSMWTC property.
- ii. Contravention of federal, provincial, or municipal liquor laws or violation of OSMWTC policies relating to the possession, distribution and/or consumption of alcoholic beverages on OSMWTC property.

i) Misuse of Information Technology and Social Networking Applications

Contravention of federal, provincial, or municipal laws or violation of OSMWTC policies relating to the use of information technology.

j) Improper Use of Dangerous Objects and Substances

- i. Storage, possession, or use of firearms including pellet guns, explosives, or other weapons, flammable solvents, biohazardous, or volatile or poisonous materials except in areas formally designated for that purpose by authorized OSMWTC personnel.
- ii. Carrying, or having in your possession, anything which is designed to be used as a weapon or anything that you intend to use as a weapon while on any OSMWTC-owned or controlled property.

k) Aiding in the Commission of an Offence

The use of words or actions that encourage or aid others in the commission of an act that is in violation of this Code of Conduct.

l) Abuse of the Code of Conduct Process

- i. Failure to comply with any processes, requirements, or sanctions imposed through the application of this Code of Conduct.
- ii. Knowingly or maliciously bringing a false charge against any student or assisting another in the laying of such a false charge under this Code of Conduct.
- iii. In any way obstructing the application of this Code of Conduct.

m) Violation of Law

Conduct that would constitute a violation of any provincial, federal, and applicable municipal laws, including violations of local Bylaws.

7. Police and Outside Authorities

Any suspected violation of this Code of Conduct can be referred to the police or other outside authorities as considered necessary by the OSMWTC. In situations where the health or safety of any person is believed to be in jeopardy, the police should be contacted immediately.

8. Resolving Disputes

Any member of the OSMWTC community may report a suspected violation of this Code of Conduct to the OSMWTC's Executive Director. Reports are encouraged to take place within one (1) year of the occurrence to facilitate investigation and resolution efforts. Alleged violations can be raised directly by representatives of the OSMWTC.

Upon receipt of a report of a suspected violation of this Code of Conduct, there will be consideration of whether the alleged conduct is best addressed under this or other OSMWTC policies or processes or separate external processes (e.g., civil or criminal legal proceedings). The OSMWTC may investigate and resolve conduct issues under this Code of Conduct regardless of any civil or criminal proceedings although in some cases OSMWTC may choose to defer investigation and/or resolution of the complaint. During this time, the OSMWTC may institute and maintain interim measures as appropriate.

An employee may directly address minor behaviour problems that take place in the classroom or elsewhere. The employee must refer ongoing or more serious incidents that cannot be settled informally to the Executive Director for resolution.

At OSMWTC's sole discretion, the roles and responsibilities of the Executive Director and/or members of the Board in this Code of Conduct can be undertaken by a designate(s).

9. Interim Measures

OSMWTC may take immediate action, including an interim suspension, if the suspected violation includes a risk to the personal safety or security of the student, another student or individual, or if OSMWTC believes that the student's behaviour may impair its operations, pose a risk to damage to its property or is otherwise required by law.

In determining if interim measures are required, the Executive Director will consult with applicable OSMWTC representatives and consider all relevant and necessary information including the nature of the allegations, prior conduct involving the respondent, and any other circumstances.

OSMWTC shall inform the student in writing, OSMWTC email or registered mail, of the reasons for the interim measures.

The student may respond within ten business days in writing to the Executive Director to request that the decision to impose interim measures be reviewed only if one of the following apply:

- i. there has been a change in the status of court conditions or criminal charges (e.g., charges amended/dropped, bail conditions amended);
- ii. an OSMWTC approved violence risk assessment has been completed internally or externally;
- iii. the student has additional or new information relevant to the decision to impose interim measures;
or
- iv. when the interim measure may have the effect of a student losing their academic term.

A designate of the OSMWTC shall reassess the decision to impose interim measures, and determine whether to revoke or continue any measures imposed, which decision will be communicated in writing to the respondent.

10. Informal and Formal Resolution

i. Informal Resolution Processes

Informal resolution processes, which resolve issues without going through the formal resolution process, will be followed where possible and deemed appropriate by the OSMWTC. Where a resolution cannot be reached through the informal process, the formal resolution process will be followed.

ii. Formal Resolution Process

If a resolution cannot be reached through informal processes, the Executive Director shall initiate the formal resolution process.

A written complaint form that provides details of the alleged violation is to be submitted to the Executive Director.

- your name and contact information
- the name of the person(s) alleged to have violated this Code of Conduct and contact information (if known)
- names of any witness(es) (if any) or other person(s) with relevant information to provide about the incident(s) and contact information (if known)
- details of what happened including date(s), frequency and location(s) of the alleged incident(s)
- any supporting documents you may have in your possession that are relevant to the incident(s)/complaint

- a list of any documents you believe a witness, another person or the person(s) alleged to have violated this Code of Conduct may have in their possession that are relevant to the incident(s)/complaint

The Executive Director shall determine if the complaint/concern is unclear, unfounded, vexatious, frivolous or in bad faith, in which case it may not be pursued.

The Executive Director will provide a brief summary of the alleged breach of the Code of Conduct to the respondent to understand the scope of the allegations including details regarding time, dates, and alleged breaches of the Code of Conduct, and to advise of a date to meet with the Executive Director. The respondent may choose to submit a written response to the summary provided to them; however, attendance at the meeting is still required.

The respondent will be encouraged to meet with the Executive Director in a formal, non-adversarial meeting that has several purposes. These include:

- determining the facts of the incident;
- educating the student about the decision-making process under this Code of Conduct;
- explaining the nature of the allegation(s) and relevant provision(s) in this Code of Conduct;
- reviewing any associated documentation or reports;
- seeking to understand any mitigating or aggravating factors beyond the conduct reported;
- allowing the respondent a chance to be heard and to respond to any documentation or arguments;
- determining any sanction(s) intended to repair the identified harm; and
- advising of next steps towards the decision process as set out in this Code of Conduct.

If the respondent does not respond after having been given a reasonable opportunity to do so, the Executive Director may proceed with the process in this policy and/or impose interim measures or sanctions in accordance with this policy. Past conduct violations and patterns of behaviour may be taken into consideration in determining the appropriate interim measures and sanction(s).

The Executive Director may consult with or seek assistance from appropriate OSMWTC officials or external advisors in resolving a complaint.

11. Investigation

OSMWTC will investigate and deal with all alleged violations of this Code of Conduct in a fair and timely manner. An investigation OSMWTC deems appropriate in the circumstances will be undertaken as quickly as possible.

At OSMWTC's sole discretion, the roles and responsibilities of the Executive Director and members of the Board in this section can be undertaken by a designate(s). The role of designated members of the Board in this section will typically be carried out by members of the Board's Human Resources Committee.

OSMWTC may choose to use an internal or external investigator to conduct the investigation. The Executive Director in consultation with members of the Board's Human Resources Committee will determine whether an external investigator is required.

The investigation may include:

- interviewing the complainant and respondent to ascertain all of the facts and circumstances relevant to the incident or complaint, including dates and locations
- interviewing witnesses deemed relevant by the investigator, if any
- reviewing any related documentation
- making detailed notes of the investigation and maintaining them in a confidential file

A respondent is required to participate in the investigation process if asked; otherwise, the investigator can reach conclusions without their participation.

All parties to an investigation may have a support person in an advisory capacity present throughout the investigation, provided the support person is not a potential witness nor deemed by the investigator to have a potential impact on the integrity of the investigation.

Once the investigation is complete, the investigator(s) will prepare a detailed report of the findings for review by the Executive Director. The Executive Director in consultation with designated members of the Board, and any other applicable representatives of OSMWTC depending on the circumstances as determined by the Board, will determine what action should be taken as a result of the investigation.

Following the report being provided to the Executive Director, the Executive Director will meet with or communicate in writing to the respondent to:

- make them aware in writing of the outcome of the investigation and a summary of the reasoning including whether the respondent's conduct constituted a breach of the Code of Conduct
- provide in writing information regarding sanctions imposed

The Executive Director and designated members of the Board will determine the appropriate amount of information, if any, to be shared with a complainant.

The goal is to complete any investigation and communicate the results to the complainant and the respondent as quickly as possible after becoming aware of an incident or a complaint. All efforts will be made to complete the investigation within 90 days if possible. However the timeframe within which an investigation can be completed varies depending on the circumstances of each investigation and the investigation might take longer.

12. Sanctions

Sanctions that may be applied to a student who is found to have engaged in prohibited behaviour may include but is not limited to:

- verbal or written warning
- restitution
- fines
- a behavioural contract
- no-contact directive

- loss of privileges
- probation
- restricted access to OSMWTC premises
- temporary or permanent expulsion from OSMWTC study, activities and premises
- mandatory withdrawal from OSMWTC study and activities
- withholding of earning a study-related credential

13. Confidentiality of Complaints and Investigations

All information about these incidents and complaints, including identifying information about any individual, will be kept confidential to the extent possible. We will only release as much information as is necessary to investigate and respond to the incident or complaint, to take corrective action and impose sanctions with respect to the incident or complaint, to protect a worker or if required to do so by law.

Out of respect for the individuals involved and to protect the integrity of the investigation, it is essential that the complainant, respondent, witnesses, and anyone else involved in or aware of the investigation of an incident or complaint maintain strict confidentiality throughout the investigation and afterwards and that they not discuss the incident/complaint and investigation with anyone other than if necessary to obtain advice from the appropriate individual(s) regarding their rights in the process.

All information about incidents and complaints, including but not limited to: a copy of the complaint or details about an incident; a record of the investigation, including notes; a copy of any witness statements taken; a copy of any investigation report; a copy of the results of the investigation provided to any party; and a copy of any sanctions imposed and corrective action taken to address the complaint or incident, will be stored in the student's file. These records will be kept for at least three years following the date the student ceases to be enrolled in study with the OSMWTC. Where there has been a breach of law, records may be kept longer.

All individuals, representatives and support persons are required to fully cooperate in the investigation process and to not in any way impede, obstruct or behave in a manner that potentially jeopardizes the integrity of the investigation. Breaching confidentiality or acting in a manner that obstructs, impedes or affects the integrity of the investigation is subject to discipline up to and including termination of employment of employees and, for all others covered by this policy, expulsion from participation in the investigation process and OSMWTC-related premises, study and activities.

14. Retaliation and Reprisals

OSMWTC will not tolerate any retaliation or reprisal through any means including through social or other electronic media, against anyone who reports misconduct under this Code of Conduct or who participates in a process that is addressing allegations of misconduct under this Code of Conduct. Retaliation or threat of retaliation or reprisal may result in further disciplinary action under this Code of Conduct or other OSMWTC policies.

Violence in the Workplace

1. Policy Statement

The Provincial Sheet Metal Workers Training Corp., operating and known as the Ontario Sheet Metal Workers Training Centre (collectively referred to in this policy as the “OSMWTC”), is committed to providing a safe and healthy workplace free from actual, attempted or threatened violence in compliance with the *Occupational Health and Safety Act*. OSMWTC recognizes workplace violence, including domestic violence that may occur in the workplace, is a serious matter and will take reasonable precautions to prevent workplace violence and to protect workers in the workplace.

This is a companion policy to OSMWTC’s Respect in the Workplace Policy which addresses harassment and discrimination, including any conduct that is known or ought to be known as disrespectful or unwelcome.

2. Definitions

“Workplace violence” is defined as:

- (a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- (b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- (c) a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Examples of workplace violence include but are not limited to:

- physically threatening behaviour, such as, shaking a fist at someone, finger pointing, destroying property, throwing objects
- verbal or written threats to physically attack a worker
- leaving threatening notes or sending threatening emails
- wielding a weapon at work
- stalking someone
- physically aggressive behaviours, including but not limited to hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking, throwing an object at someone, physically restraining someone, or any other form of physical violence or assault
- domestic violence that can impact the workplace

A “supervisor” is any worker who has authority over other workers or the workplace.

“Management” for the purpose of this policy means all persons in supervisory positions, including but not limited to, supervisors, managers, directors, trustees and Board members.

“Worker” for the purpose of this policy means all employees of OSMWTC, including but not limited to any person who performs work or supplies services for monetary compensation, including but not limited to, the Provincial Sheet Metal Workers Training Centre Corp. Board (the “Board”) and members of standing and ad hoc committees established by the Board, as well as students, trainees, interns, apprentices, clients, contractors, suppliers, consultants, volunteers, individuals who are directly connected to any joint OSMWTC initiatives and visitors to OSMWTC.

“Workplace” includes but is not limited to any land, premises, location or thing at, upon, in or near which a worker works. It also includes any location in which you are engaged in work related activities as defined in section 3 of this policy.

3. Scope

This policy applies to all workers of OSMWTC.

This policy also applies to situations of workplace violence, including domestic violence, that may occur in the workplace by individuals who are not workers of OSMWTC, although the remedies available may be constrained by the situation and the fact that these individuals are not OSMWTC workers.

Workplace violence may come from different sources such as, but not limited to:

- strangers or people with no ties to the workplace
- Board members
- contractors, consultants or suppliers
- clients, customers
- students
- other workers
- volunteers
- intimate relationships outside of work such as partners, family or friends that impact the workplace

Violence that occurs outside the normal workplace but which has an impact in the workplace, including working relationships, may also be considered workplace violence.

This policy applies in any location in which you are engaged in work-related activities. This includes but is not limited to:

- the workplace
- while working from home

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- during work-related travel
- at restaurants, hotels or meeting facilities that are being used for OSMWTC purposes
- in corporation owned or leased facilities
- during telephone, email, text and other communications, including but not limited to social media and group chats
- dialogue that extends from the workplace related to work or workplace relations, as well as comments made on social media pertaining to or associated with workers, work or the workplace or others covered by this policy
- at any OSMWTC-related social event, whether or not it is sponsored by OSMWTC

4. Domestic Violence

If you are experiencing domestic violence that would likely expose you, or other workers, to physical injury that may occur in the workplace, we will take every precaution reasonable to protect you and your co-workers in the circumstances. This may include some or all of the following:

- creating a safety plan
- contacting the police
- establishing enhanced security measures such as a panic button, code words, and door and access security measures
- screening calls and blocking certain email addresses
- setting up priority parking or providing escorts to your vehicle or to public transportation
- adjusting your working hours and location so that they are not predictable
- facilitating your access to counselling through an Employee and Family Assistance Program provided by the unions or other community programs

We appreciate the sensitivity of these issues and will do our best to assist you as discreetly as possible while maintaining your privacy.

5. Duties and Obligations

It is our mutual responsibility to ensure that we create and maintain a violence-free workplace and address violence and/or the threat of violence from all possible sources, including but not limited to those listed in section 3 of this policy.

a) OSMWTC's Commitment

OSMWTC will do its part by not tolerating or condoning violence in the workplace. This includes making everyone in our organization aware of what behaviour is and is not appropriate, assessing the risk of workplace violence, investigating complaints and incidents and imposing suitable corrective measures. The OSMWTC will advise the Joint Health and Safety Representative ("JHSR") of the results of the assessment {00207841 3}

and provide a copy of the assessment to the JHSR if it is in writing. The assessment will include consideration of circumstances common to similar workplaces and circumstances specific to the workplace. The OSMWTC will take reasonable steps to introduce measures and procedures to control the risks identified.

b) Duties of Management

Supervisors, instructors and members of management are expected to assist in creating a violence-free workplace and learning environment and to immediately contact the Executive Director if they receive a complaint of workplace violence or witness or are aware of violent behaviour. If the Executive Director is alleged to be a party to the workplace violence, complaints can be made to the Chair of the Board's Human Resources Committee by sending an email to hr@osmwtc.com.

Supervisors, instructors and members of management must also take every reasonable precaution to protect workers from workplace violence, including conducting risk assessments as set out in section 11 of this policy.

c) Duties of All Workers

You must do your part by ensuring that your behaviour does not violate this policy and by fostering a work environment that is based on respect and is free of violence or threats of violence.

You are also required to report workplace violence or a threat of workplace violence as set out in section 6 below.

6. Reporting

Under the *Occupational Health and Safety Act* workers have a responsibility to report workplace hazards. Workplace violence is considered a hazard in the workplace. Therefore, if workers are aware of workplace violence, even if they are not a recipient or witness to the violence directly, it must be reported.

Workers, who are either the recipient of or a witness to workplace violence, from any person, must report such behaviour to their supervisor. A worker who believes they are unable to report workplace violence to their direct supervisor may report to any of the following: any supervisor or member of management, the JHSR or representative or the Board's Human Resources Committee. If there is a lack of response, the worker must immediately escalate reporting the behaviour to the most senior member of management or any member of the Board.

If a worker is believed to be in imminent physical danger or physical assault has occurred, it must be immediately reported to the police.

All workers also have the right to refuse unsafe work if they have reason to believe they are in danger from workplace violence. In that instance, please immediately contact your supervisor, any other supervisor or member of management or the Board's Human Resources Committee, at which point appropriate measures will be taken to protect you and investigate the situation. You will be moved to a safe place as near as reasonably possible to your normal workstation and will need to be available for the purposes of investigating the incident. Certain workers may have a limited right to refuse, when the risk is inherent in their job duties.

OSMWTC representatives may consult with or seek assistance from appropriate OSMWTC officials or external advisors in resolving an incident or complaint.

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7. Investigation

Any reports or incidents of workplace violence will be taken seriously. All reports and incidents of workplace violence must be investigated. If a manager or supervisor becomes aware of or witnesses acts or threats of violence, even if these events or actions are not reported to them by a worker, they must initiate an investigation and corrective and preventative actions by immediately reporting this to the Executive Director, who shall, in turn, immediately report it to the Board's Human Resources Committee.

At OSMWTC's sole discretion, the roles and responsibilities of the Executive Director and/or members of the Board in this section can be undertaken by a designate(s). In the event that the Executive Director is alleged to be a party to the violence, the Executive Director's role will be undertaken by designated members of the Board as deemed appropriate in the circumstances. The role of designated members of the Board in this section will typically be carried out by members of the Board's Human Resources Committee. In the event that a member of the Board is deemed to be a party to the violence, that Board member will recuse themselves from matters pertaining to the complaint and investigation.

OSMWTC may choose to use an internal or external investigator to conduct the investigation. The Executive Director in consultation with designated members of the Board will determine whether an external investigator is required.

At OSMWTC's sole discretion, interim measures may be undertaken once a complaint or incident is known and during the investigation, where appropriate, such as authorizing a leave of absence with pay, temporary transfers or schedule changes, temporary changes to reporting relationships, corrective action or temporary expulsion from OSMWTC-related activities.

The investigation may include:

- conducting interviews of relevant individuals to ascertain all of the facts and circumstances relevant to the incident or complaint, including dates and locations
- reviewing any related documentation
- making detailed notes of the investigation and maintaining them in a confidential file

The goal is to complete any investigation and communicate the results to the complainant and respondent as quickly as possible after becoming aware of an incident or a complaint is received. The timeframe within which an investigation can be completed varies depending on the circumstances of each investigation.

Once the investigation is complete, the investigator(s) will prepare a detailed report of the findings for review by the Executive Director and designated members of the Board. A copy of the findings will be provided to the JHSR. The Executive Director in consultation with designated members of the Board, and any other applicable representatives of OSMWTC depending on the circumstances as determined by the Board, will determine what action should be taken as a result of the investigation.

Any incidents or reports of discrimination or harassment must follow the direction provided under the Respect in the Workplace policy.

8. Confidentiality

All efforts will be made to protect the personal information of both those accused of workplace violence and

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those affected. We will only release as much information as is necessary to investigate and respond to the incident or complaint, to protect a worker, to take corrective action with respect to the incident or complaint or if required to do so by law. OSMWTC may be required to disclose pertinent information for the purpose of protecting a worker from injury where a reasonable threat of workplace violence exists.

Reports will be kept confidential if it has been determined that a reasonable threat of workplace violence does not exist or where reasoned and practical in the circumstances.

Out of respect for the relevant individuals, it is essential that those accused of workplace violence as well as those affected, witnesses, and anyone else involved in or aware of the investigation of an incident or complaint maintain strict confidentiality throughout the investigation and afterwards.

All employees, representatives and support persons are required to fully cooperate in the investigation process and to not in any way impede, obstruct or behave in a manner that potentially jeopardizes the integrity of the investigation. Breaching confidentiality or acting in a manner that obstructs, impedes or affects the integrity of the investigation is subject to discipline up to and including termination of employment.

9. Protection from Retaliation or Reprisal

No worker can be penalized, reprimanded, or in any way criticized when acting in good faith while following the procedures for addressing situations involving workplace violence.

OSMWTC will not tolerate retaliations, taunts or threats against anyone who reports an incident or complains about workplace violence or takes part in an investigation. Any person who taunts, retaliates against or threatens anyone in relation to a workplace violence incident or complaint may be disciplined up to and including termination of employment.

If you report an incident or make a complaint in good faith and without malice, regardless of the outcome of the investigation, the complainant will not be subject to any form of discipline. OSMWTC will, however, impose any appropriate consequences upon anyone who brings a false and malicious complaint, including discipline up to and including terminating the employment of an employee, or expulsion from OSMWTC study, premises and activities for non-employees.

10. Corrective Actions

If a finding of workplace violence by a worker is made, OSMWTC will take appropriate corrective measures, regardless of the worker's seniority or position at OSMWTC. Corrective action is within the sole discretion of the OSMWTC.

Corrective action may include, but is not limited to:

- discipline, such as a verbal warning, written warning or suspension without pay
- termination with or without cause
- referral for counseling (sensitivity training), anger management training, supervisory skills training or attendance at educational programs on workplace respect and violence
- a demotion or denial of a promotion

- reassignment or transfer
- financial penalties such as the denial of a bonus or performance related salary increase
- expulsion or termination of an individual's participation in OSMWTC-related activities and from OSMWTC premises
- any other disciplinary action deemed appropriate under the circumstances

11. Risk Assessment

Supervisors and managers must take every reasonable precaution to protect workers from workplace violence, including participating in conducting risk assessments for workplace violence. Risk assessments are to be conducted as frequently as necessary to prevent injury in the workplace, for example:

- after an event or threat has occurred
- if the work or workplace has changed
- when a safety concern related to workplace violence has been raised

Risk assessments may include evaluating a person's history of violent behaviour to determine whether and to whom this worker poses a risk. In making this evaluation, supervisors and managers should consider:

- whether the person's history of violence was associated with the workplace or work
- whether the history of violence was directed at a particular worker or workers in general
- how long ago the incidence of violence occurred

In certain circumstances, supervisors and managers may have a duty to provide information about a risk of workplace violence from a person with a history of violent behaviour if a worker can be expected to encounter that person during the course of their work and the risk of workplace violence is likely to expose the worker to physical injury. Supervisors and managers will only release as much personal information about the person with a history of violent behaviour as is reasonably necessary to protect the worker from workplace violence. Supervisors and managers are required to consult with the Executive Director and the Board's Human Resources Committee prior to releasing information about a person with a history of violence.

12. Training

All employees and the Board will receive training and communications on this policy and any related policy and program, and techniques for the prevention of workplace violence as necessary to meet the intent and requirements of this policy and the *Occupational Health and Safety Act*.

13. Worker Support

OSMWTC workers generally have access to an Employee and Family Assistance Program through their unions. This program is available to workers who have been subject to workplace violence to provide confidential and anonymous counselling services.

14. Review

The Violence in the Workplace policy, incidents of reported workplace violence and the workplace violence risk assessments are reviewed annually and are reported and reviewed with the JHSR.