

## SEXUAL MISCONDUCT IN THE WORKPLACE

Recognizing the specific nature and impact of sexual misconduct, the Business has established additional guidelines/rules, disciplinary actions, responsibilities, reporting and supports to address sexual misconduct incidents.

### 1) GUIDELINES/RULES

- a) As an Equal Employment Opportunity (EEO) employer, all Ontario Truck Driving School representatives are required to treat all Employees & Sub-Contractors fairly, that is, on the basis of the Employee or Sub-Contractor's individual merit rather than irrelevant personal characteristics.
- b) OTDS representatives are required to treat all Employee or Sub-Contractor applicants fairly.
- c) All OTDS representatives are to be aware that sexual misconduct can be words or actions of a sexual nature which:
  - i. are unwanted; or,
  - ii. are unreturned; or that
  - iii. a reasonable person would likely find offensive, humiliating or intimidating
- d) All OTDS representatives are to be aware that the following (and not limited to) are examples of sexual misconduct.
  - i. Material that is sexist or sexually explicit that is displayed in the workplace, circulated on paper or by email, or put on a computer, or in someone's belongings
  - ii. Verbal abuse of comments that put down or stereotype people because of their sex
  - iii. Intrusive questions about sexual activity, or offensive jokes with sexual content
  - iv. Staring or leering in a sexual manner, or physical contact, such as slapping, kissing, touching or hugging
  - v. Repeated sexual or personal invitations
  - vi. Physical and sexual assault
- e) All OTDS representatives are to avoid victimization, which is the action of treating one unfairly for complaining about sexual misconduct.
- f) Sexual misconduct training will be mandated for all OTDS representatives to foster an understand and prevention of sexual violence.

### 2. DISCIPLINARY ACTIONS

Any representative of OTDS who is in violation of the Business' sexual misconduct policy, will be subject to the following disciplinary actions.

#### First Offense

Upon first offense, OTDS representative will receive a verbal warning through discussion with Business management. At this time, the representative will be required to review the Business' sexual misconduct policy in its entirety. The verbal warning will be documented.

## Second Offense

Upon second offense, OTDS representative will receive a written warning and be placed on a 6-month probation. Within the probationary period, the representative must complete a government approved sexual misconduct training course. Violation of the probation will result in the representative's immediate dismissal.

## Third Offense

Upon third offense, regardless of probationary standing, the OTDS representative will face immediate termination.

## **RESPONSIBILITIES**

Each of us has the right to a workplace that is safe, and free of unlawful sexual misconduct.

Employees and Sub-Contractors have the following responsibilities:

- a) not be involved in, or encourage sexual misconduct in the workplace
- b) not share in or distribute inappropriate or offensive material in the workplace
- c) be aware of and adhere to this policy and its supporting program

All managers and supervisors must do their best to prevent sexual misconduct in the workplace.

If you are a manager or supervisor, you should:

- a) ensure adherence to and awareness of the sexual misconduct policy
- b) be a good role model - do not engage in any behavior which could be interpreted as sexual misconduct
- c) make it clear to all those you supervise that you won't tolerate any inappropriate behavior from them.
- d) ensure that the working environment is free of any kind of sexist or sexually related
- e) material including, posters, screen savers, cartoons and so on
- f) inform staff to come forward immediately if they experience any misconduct

## **REPORTING**

Process: The Business has a systematic approach for responding to and addressing incidents and complaints of sexual misconduct. This process ensures confidentiality, promptness, and a thorough investigation. Each step, from initial reporting to resolution, will be communicated transparently to the involved parties.

Investigation protocols: In line with ensuring a fair investigation, students who disclose their experience of sexual misconduct will not be asked irrelevant questions by the Business's staff or investigators. This includes questions unrelated to the incident in question, such as those about the student's sexual expression or past sexual history.

Confidentiality: Ontario Truck Driving School recognizes the difficulty of coming forward with a complaint of sexual misconduct and a complainant's interest in keeping the matter confidential. To protect the interests of a complainant, a respondent, or any other person who may be involved in incidents of sexual misconduct, including witnesses, and to protect the integrity of the investigation process, confidentiality will be maintained throughout any investigation. Information relating to the complaint will be disclosed only to the extent necessary to carry out this workplace harassment and violence program, or where disclosure is required by law.

All individuals involved in a workplace investigation are expected to keep the substance of the investigation strictly confidential. Unless otherwise set out in this policy, all records of complaints, including records of meetings, interviews, results of investigations and other relevant material, will be maintained in a confidential file and will be disclosed only to the extent necessary to carry out these procedures or where disclosure is required by law.

## **SUPPORTS**

- 1) Ontario Career College Supports: The business acknowledges the severe impact of sexual violence on students. To address this, the Business offers a range of supports and services to students affected by sexual violence. These may include, but are not limited to, counselling services, academic accommodations, and security measures.
- 2) Community Supports: In addition to the services provided by the Business, affected students have access to external supports and services available within the community. Information on these resources will be made readily available to students, ensuring they have multiple avenues for support.
- 3) Accommodations: The business is committed to accommodating the needs to students impacted by sexual violence. Such accommodations may pertain to academic adjustment, safety measures, or other reasonable requests to support the well-being of the affected student.
- 4) Reporting and Access to Services: It is vital for students to understand that they do not need to formally report an incident of sexual violence to access the available supports, services, or accommodations.