

- b. accept, evaluate and render a decision on appeals arising from the application of this policy to MTO training and development initiatives.

3.2 The Executive Director will:

- a. recommend changes to the Code of Conduct where appropriate;
- b. ensure that the Code of Conduct is understood and adhered to by all relevant parties;
- c. assist and advise Program Officers and facilitators in the application and monitoring of the Code of Conduct;
- d. take appropriate corrective action in accordance with the Code of Conduct;
- e. ensure the collection and maintenance of permanent records of all corrective action.

3.3 Program Officers will:

- a. ensure that facilitators and participants are familiar with all aspects of the Code of Conduct;
- b. be responsible to the Executive Director for necessary corrective action taken with participants in their respective areas of responsibility;
- c. support facilitators in interpreting and applying the Code of Conduct;
- d. ensure participants are aware of how to contact the Program Officer directly for advice and assistance with the Code of Conduct;
- e. investigate, document and recommend appropriate action to the Executive Director concerning alleged breaches of the Code of Conduct by a facilitator;
- f. recommend to the Executive Director changes to the Code of Conduct where appropriate.

3.4 Facilitators will:

- a. ensure that all participants taking part in programs delivered by the facilitator are aware of the Code of Conduct;
- b. take necessary corrective action as appropriate in accordance with the Code of Conduct;
- c. document all corrective actions taken;
- d. ensure the appropriate Program Officer and/or Executive Director are fully informed of all corrective actions taken and receive copies of all relevant documentation;
- e. suggest changes to the Code of Conduct as appropriate.

4 **Conduct**

4.1 **Attendance:** The MTO considers attendance critical to ensuring participants receive the greatest possible opportunity to improve their skills and job competence. This principle also reflects the fact that the majority of participants will be receiving financial support while taking a course/workshop offered through the MTO. Therefore:

- a. all participants are expected to strive for 100% attendance. This means participants are expected to arrive on time for the start of every daily session and remain in attendance until the close of each session;
- b. participants may be unable to attend for reasons beyond their control. Where it is impossible to attend the participant must inform the facilitator of the reasons for non-attendance;
- c. the facilitator will determine whether a participant's explanation is acceptable and, if so, will simply document the lack of attendance by the participant;
- d. if the facilitator feels the participant's reasons were insufficient to explain their absence, the participant may receive a warning as per Section 8 of this Code of Conduct;

- e. in any event, whether reasons are acceptable or unacceptable, any participant who does not achieve 80% attendance will not receive a certificate of completion for the course or workshop.

4.2 Sexual Harassment*: It is the MTO's goal to ensure every participant has a positive and productive experience in every MTO sponsored event. The MTO does not, and facilitators or participants must not, condone any act of sexual harassment. Sexual harassment can be verbal or physical, deliberate, unsolicited, or unwelcome and may consist of one incident or several incidents. While the following list is not comprehensive, sexual harassment may include:

- a. unwelcome remarks, jokes, or innuendos about a person's body or attire;
- b. displaying of pornographic or other offensive or derogatory pictures or materials;
- c. unwelcome invitations or requests, whether indirect or explicit, and intimidation;
- d. unnecessary physical contact such as touching, patting, or pinching;
- e. a reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance;
- f. stalking;
- g. sexual assault.

Sexual harassment is a serious offence punishable by corrective action up to and including ejection from an MTO event and, depending on the decision of the employer, dismissal from employment. (see Appendix A).

Any incident of sexual harassment can be reported to the facilitator, the appropriate Program Officer or the Executive Director. The name of the complainant will not be disclosed except where disclosure is necessary for the purposes of investigation or initiating corrective action. No participant, facilitator or MTO staff will be reprimanded for instigating a successful sexual harassment investigation.

4.3 Other Harassment/Discrimination: It is the MTO's goal to keep events free from harassment and discrimination. Therefore, the MTO does not, and facilitators and participants must not, condone any act of harassment based on race; colour; creed; nationality; aboriginal or ethnic origin; ancestry; religion; age; gender; marital status; family status; source of income; sexual orientation; physical or mental disability; irrational fear of contracting diseases; political belief; affiliation or activity; or association with those having characteristics listed above. Harassment or discrimination can be verbal or physical, deliberate, unsolicited, or unwelcome and may consist of one incident or several incidents. While the following list is not comprehensive, harassment may include:

- a. unwelcome remarks, jokes, or innuendos in relation to any of the categories mentioned in the above section;
- b. displaying of racist or other offensive material;
- c. inappropriate requests;
- d. intimidation;
- e. verbal abuse or threats;
- f. practical jokes which cause awkwardness or embarrassment;
- g. action intended to clearly undermine the self-respect of an individual;
- h. physical assault.

Harassment is a serious offense punishable by corrective action up to and including ejection from an MTO event and potentially, depending on the decision of the employer, dismissal from employment. (see Appendix A). Any incident of harassment can be reported to the facilitator, appropriate Program Officer or the Executive Director. The name of the complainant will not be disclosed except where disclosure is necessary for the purposes of investigation or initiating corrective action. No facilitator, participant or MTO staff will be reprimanded for instigating a successful harassment investigation.

5 **Levels of Corrective Action***: There are three levels of corrective action. In general, the application of these levels will reflect the number of times an offense has occurred:

5.1 Level One

- a. **First offense**: If not in itself serious enough to warrant ejection, an offender will be given an oral reprimand and advised that another offense will result in a written warning,
- b. The **oral reprimand** follows discussion of the problem with the offender. The oral reprimand is an important step in the disciplinary process because it is at this point that cause for further action can be prevented or, if cause persists, it provides the foundation for further action. The oral reprimand normally takes the form of a verbal warning to caution the offender that further action may be taken if the matter is not resolved.
- c. **Verbal warnings** shall be recorded in the offender's MTO file.

**If the offence involves a form of discrimination and/or harassment, the alleged victim of this offence may at any time initiate any other relevant legal or civil action at their discretion.*

5.2 Level Two

- a. **Second offense**: If not in itself serious enough to warrant ejection, a participant will be given a written warning and advised that another offense will result in ejection.
- b. The **written warning** is normally applied in circumstances where the participant has failed to respond to an oral reprimand. However, where a first offense is sufficiently serious, a written reprimand may be applied in the first instance. The written reprimand may contain a warning in regard to future repetition of similar incidents. The written reprimand shall be documented in a report to the Executive Director.
- c. One copy of the written warning will be hand delivered to the participant, one will be forwarded to the participant's employer or sponsor, and one copy will be placed on the participant's MTO file. The participant will be required to sign or initial an acknowledgement of receipt of the letter, which will also be placed in their MTO file.

5.3 Level Three

- a. **Third offense**: A participant will be ejected from the course/workshop and warned that **any** offence in future programs may result in the participant becoming ineligible for all MTO programs.
- b. **Written notice** of ejection requires verbal notification of the Executive Director in advance of issuing the written notice to the participant. The written notice will include the reasons for such action being taken and the measures already taken by the facilitator. These factors, as well as other relevant matters, will be included in the notification report to the participant, the Program Officer, the Executive Director, and the participant's employer/sponsor. The affected and offending participant will be interviewed and the report will include documentation of the interview.
- c. A report on the ejection of a participant shall be placed in the participant's MTO file.

6 **Records of Conduct**

Records of any corrective action taken as a result of a Group One offense (see Appendix A) will be added to the participant's MTO file for a period of two years. At the end of that time, if the participant has

maintained a record of good conduct for that two-year period, all accounts of this corrective action will be removed from the participant's file. The participant shall be informed that their record has been cleared. If any additional corrective action was required during this period, all records of this action will remain on participant's file until they complete the necessary two-year period of good conduct.

7 Appeal of Dismissal or Corrective Action

Should any affected person consider a corrective action to be improper, an appeal may be presented in writing to the Executive Director and, if unresolved, to the Board of Directors.

8 Procedure

8.1 **Group One Offences:** The following list is an example of potential group one offences.

First offence: *Oral warning*

Second offence: *Written warning*

Third offence: *Ejection*

- absence without prior notification of the facilitator. The participant should notify the facilitator or, if that is not possible, another participant of the reasons for their absence prior to the start of the relevant session and the expected time or date of return.
- unauthorized leaving of the course/workshop at any time without permission from the facilitator.
- arriving late
- creating or contributing to unsanitary or unsafe conditions
- wilful failure to respond to legitimate requests to participate in sessions or carry out assignments
- distracting the attention of others, or causing confusion by unnecessary shouting or demonstrations on the job
- unsatisfactory effort and/or failure to maintain required standards of performance

8.2 **Group Two Offences:** The following list is an example of potential group two offences.

First offence: *Written warning*

Second offence: *Ejection*

- unauthorized leaving of the session during regular hours without permission from the facilitator
- unauthorized sleeping during session
- drinking alcoholic beverages before or during the regular scheduled hours for sessions

- using abusive or threatening language towards the facilitator, participants, or other individuals
- threatening, intimidating, coercing, or interfering with participants or facilitators at any time
- making or publishing false or malicious statements concerning any facilitator, participant, the MTO or its operations
- failure to report for extra working sessions without good reason after being scheduled for extra sessions
- refusal to perform work assigned or failure to comply with written or verbal instructions which the participant may be reasonably expected to perform

8.3 **Group Three Offences:** The following list is an example of potential group three offences.

First offence: *Ejection*

- falsifying testimony when complaints are being investigated; falsifying or assisting in falsifying records, coursework or assignments
- making false claims or misrepresentations in an attempt to obtain approval of absences or lateness
- theft, damage or destruction of property belonging to the MTO, facilitators or other participants
- the sale or use of narcotics
- attending a session while intoxicated or use of alcohol leading to disruption of sessions
- fighting or attempts to injure another person or threats to do so
- misuse or removal of confidential information of any nature, or revealing such information without prior written authority from the MTO
- any proven violation of the MTO's Sexual Harassment and Workplace Harassment guidelines

