

## Colorado Sheet Metal Workers

# Joint Apprenticeship & Training Committee

### Respect in the Education Environment Policy (Anti-Discrimination and Anti-Harassment)

The Colorado Sheet Metal Workers Joint Apprenticeship & Training Committee is committed to providing an education environment in the Colorado Sheet Metal Workers Apprenticeship Program in which all employees and apprentices are treated with respect and dignity at all times and, in particular, a campus that is free from:

- Discrimination on any of the following grounds: race, ancestry, place of origin, color, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status, and disability.
- Workplace harassment (including reprisal) for any reason, including because of any prohibited grounds.
- Bullying and psychological harassment (see Anti-Bullying and Psychological Harassment Policy).

**This policy should be read in conjunction with the Complaint Investigation Procedure for Workplace Harassment, Discrimination, and Violence.** The purpose of this policy is to establish programs and procedures to minimize and prevent workplace discrimination and harassment; to foster the safety and security of the Colorado Sheet Metal Workers Joint Apprenticeship & Training Committee's employees, apprentices, and other third parties in the workplace; and to ensure that all of the Colorado Sheet Metal Workers Joint Apprenticeship & Training Committee's employees and apprentices are aware of, and consistently comply with, the Respect in the Workplace policies, programs, and procedures of the Colorado Sheet Metal Workers Joint Apprenticeship & Training Committee at all times.

**The Colorado Sheet Metal Workers Joint Apprenticeship & Training Committee will not manage, judge, or monitor employee and/or apprentice interaction on personal, non-professional social media (e.g. Facebook, Instagram, Snapchat). Off-color jokes or posts by co-workers or fellow apprentices are not something you should report; unfriend people whose views you dislike rather than reporting them to HR. Only the most severe or illegal posts will be considered company incidents.**

### Scope

This policy applies to all employees and apprentices of the Colorado Sheet Metal Workers Joint Apprenticeship & Training Committee.

This policy also applies to all activities, whether they occur during or outside of normal working hours, and whether they occur on or off the Colorado Sheet Metal Workers Joint Apprenticeship & Training Committee property, so long as such activities are reasonably associated with the training center, including social, recruiting, and business development activities.

### Definitions

**“Education Environment”** means any of the three (3) Training Centers where the Colorado Sheet Metal Workers Joint Apprenticeship & Training Committee business, education, or JATC-related activities are conducted. It includes, but is not limited to: the physical training center premises; JATC-related social functions, recruitment events, and business development events (e.g. parties, golf games, job fairs); JATC assignments outside of the Colorado Sheet Metal Workers Joint Apprenticeship & Training Committee premises; JATC-related travel; over the phone, via email or other electronic method if the communication is JATC-related; and elsewhere if the employee and/or apprentice is there as a result of JATC-related responsibilities or a JATC-related relationship.

**“Harassment”** means 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. Workplace harassment under this policy includes, but is not limited to, harassment on any prohibited ground.

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**“Sexual Harassment”** is a form of harassment under this policy. It means: (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 it 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 the solicitation or advance is unwelcome.

**“Bullying”** – see Anti-Bullying and Psychological Harassment Policy.

**“Reprisal”** means any retaliation, reprisal, or other form of negative action taken against an individual for having: (i) made a complaint under this policy (whether on behalf of oneself or another individual); (ii) participated or co-operated in any investigation under this policy; or (iii) been associated with a person who has made a complaint or who has participated or co-operated in any investigation under this policy.

### What Is Education Environment Harassment?

Education environment harassment can involve unwelcome words or actions that are known or should be known to be offensive, embarrassing, humiliating, or demeaning to a worker or group of workers in a workplace. It can also include behavior that intimidates, isolates, or discriminates against the targeted individual(s).

Examples of harassment include, but are not limited to:

- Making remarks, jokes, or innuendos that demean, ridicule, intimidate, or offend.
- Displaying or circulating offensive pictures or materials in print or electronic form.
- Spreading malicious gossip or rumors.
- Sabotaging work.
- Personal attacks on an individual’s private life or personal traits.
- Repeated offensive or intimidating phone calls or emails.
- Targeted social isolation.
- Sexual harassment.

### Distinguishing Education Environment Harassment from Other Behaviors

Harassment generally does not include reasonable action or conduct relating to the management and direction of instructors, apprentices, or the education environment. This includes reasonable administrative action or conduct by any administrator or instructor that is part of their normal education function, and could include changes in work or education assignments, scheduling, managing, coaching, counseling, education or job assessment, performance evaluation, workplace inspections, implementation of workplace or training center policies, implementation of health and safety measures, and disciplinary action.

However, if these actions are not exercised reasonably and fairly, they may constitute education environment harassment or discrimination. For example, if a worker was not assigned a training project or was not permitted to attend classes because of their sexual orientation, this would likely be education environment harassment or discrimination.

Differences of opinion or minor disagreements between fellow apprentices or instructors would also not generally be considered education environment harassment.

### What Is Education Environment Sexual Harassment?

Education environment sexual harassment can involve unwelcome words or actions associated with sex, sexual orientation, gender identity, or gender expression that are known or should be known to be

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offensive, embarrassing, humiliating, or demeaning to an apprentice or instructor, or group of apprentices or instructors in a workplace. It can also include behavior that intimidates or isolates individual(s).

Examples of sexual harassment include, but are not limited to, unwelcome and unwanted:

- Sexual advances (whether or not they involve physical touching) and requests for sexual favors, especially where submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or enrollment in classes, or submission to or rejection of such conduct by an individual is used as the basis for employment or education decisions affecting such individual.
- Sexual jokes, written or verbal references to sexual conduct, or gossip regarding sexual matters.
- Comments about, or inquiries into, an individual's physical characteristics, mannerisms, conformity to sex-role stereotypes, sexual activity, deficiencies, or prowess.
- Sending or displaying sexually explicit or suggestive objects, pictures, posters, cartoons, etc.
- Sending or displaying emails, text messages, memos, or notes containing sexual references.
- Sexually suggestive or insulting comments or gestures, leering, or whistling.
- Unnecessary physical contact such as assault, touching, patting, pinching, or brushing against someone's body with any underlying sexual connotation.
- Demanding hugs or dates.
- Any other conduct of a sexual nature that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive education environment.

Where the conduct or behavior includes inappropriate sexual touching, this may also constitute a criminal offence such as sexual assault.

#### Distinguishing Sexual Harassment from Other Behaviors

The Colorado Sheet Metal Workers Joint Apprenticeship & Training Committee does not prohibit flirting and dating in the workplace for colleagues **with no reporting relationship** (i.e. instructors may not flirt or date apprentices). However, please consider that there can be negative implications when relationships do not work out. Sharing a workspace or class on a daily basis after a failed relationship can create awkwardness for both parties involved as well as colleagues.

The Colorado Sheet Metal Workers Apprenticeship Program rules related to courting or dating in the workplace include:

- A social (including romantic) relationship welcomed by both individuals (for colleagues **with no reporting relationship**) is acceptable.
- Where two colleagues on the same team are dating and one is promoted to manage or instruct the other, disclosure of the relationship should be made to HR and HR will assist in making alternate supervisory or instructional arrangements.
- Existing marriages are permitted and are not considered an abuse of power (however, no reporting relationships will be permitted).
- Workplace relationships that pre-exist this policy **and involve executives or a reporting relationship** must be disclosed to HR and HR will assist in making alternate supervisory or instructional arrangements. In the case of administrators and instructors, HR will ensure that reporting relationships are structured such that there can be no actual or implied abuse of power.
- Flirting (respectfully showing romantic attraction to another person) in the workplace is acceptable, and not a violation of this policy, **until you've been asked to stop once**. Any additional comments, texts, or emails of a romantic or sexual nature after once being asked to stop can be considered harassment and may be grounds for termination or expulsion.
  - Provided the flirting is respectful (i.e. not aggressively sexual), it's necessary to say you are not interested once before future comments can be considered harassment. Verbally indicating you are not interested in future invitations is sufficient; sending an email or text

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that says: **“Let’s keep our relationship professional”** is a respectful and mutually clear way to ensure no further flirting of any kind should occur.

### What Is Discrimination?

The Colorado Fair Employment Practices Act makes it illegal for an employer or education institution to discriminate on the basis of race, color, religion, creed, national origin, ancestry, sex, age, sexual orientation, and physical or mental disability.

### Distinguishing Discrimination from Other Behaviors

Rights under the Colorado Fair Employment Practices Act are not violated unless the discrimination occurs based on one or more of the protected grounds.

### Policy

The Colorado Sheet Metal Workers Joint Apprenticeship & Training Committee will not tolerate discrimination based on any prohibited ground by or against any employee and/or apprentice. This means that all personnel actions (including, but not limited to, recruiting, hiring, training, testing, compensation, promotion, transfers, benefits, and all other terms and conditions of employment and education/training) will be carried out **without regard** to any prohibited ground.

The Colorado Sheet Metal Workers Joint Apprenticeship & Training Committee will not tolerate harassment – of any manner or type – in the education environment by or against any employee and/or apprentice. This includes education environment harassment by an employee and/or apprentice against another employee and/or apprentice and/or against any third party and, conversely, by any third party against any employee and/or apprentice.

All employees and apprentices are responsible to assist in preventing and minimizing education environment discrimination and harassment. This means that:

- All employees and/or apprentices must comply with this policy and all supporting policies, procedures, and programs regarding education environment discrimination and harassment at all times.
- All employees and/or apprentices who experience, witness, or otherwise become aware of education environment discrimination or harassment (including bullying or reprisal) must take appropriate steps to minimize, prevent, and otherwise deal with the education environment discrimination and harassment in accordance with this policy. This includes reporting all incidents of education environment discrimination and harassment in accordance with the Complaint Investigation Procedure for Education Environment Harassment, Discrimination, and Violence.
- Any employee and/or apprentice who is unclear about whether a certain type of conduct may constitute education environment discrimination or harassment may speak to the VP Human Resources or Corporate Counsel to obtain clarification.
- All employees and/or apprentices must act responsibly and professionally at all times. This includes avoiding improper language or conduct that might be incorrectly interpreted by another individual as being education environment discrimination or harassment, and avoiding placing oneself in situations that could potentially lead to the appearance of education environment discrimination or harassment.
- All employees and/or apprentices must attend any training or information sessions provided by the Colorado Sheet Metal Workers Apprenticeship Program to minimize and prevent education environment discrimination and harassment and/or otherwise review the contents of this policy and all supporting policies, procedures, and programs regarding education environment discrimination and harassment.



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- All employees and/or apprentices must cooperate with the Colorado Sheet Metal Workers Joint Apprenticeship & Training Committee appointed investigators, the police, and other authorities, as required, during any investigation related to education environment discrimination or harassment. This includes providing complete and accurate information in the course of any investigation.

The Colorado Sheet Metal Workers Joint Apprenticeship Committee will investigate and deal with all known incidents of education environment discrimination and harassment in a manner that is fair, timely, and appropriate in the circumstances in accordance with the Complaint Investigation Procedure for Education Environment Harassment, Discrimination, and Violence.

Nothing in this policy is intended to limit or constrain the reasonable exercise of administrative or education functions in the education environment.

An employee and/or apprentice also retains the right to exercise any other legal avenues available.

### Bad Faith Complaints

This policy must never be used to make false, frivolous, or malicious complaints against an employee, apprentice, or third party. Deliberately making false, frivolous, or malicious accusations of education environment harassment, discrimination, or violence, or providing false or misleading information in any resulting investigation, will result in serious disciplinary action, up to and including immediate termination of employment or expulsion from the apprenticeship program for cause. Please note that an unproven allegation is not necessarily deliberately false. There may be insufficient evidence to proceed or, while the Complainant may have had reason to believe that there was education environment harassment, discrimination, or violence, investigation results may not have borne out the complaint.

### Non-Compliance

Employees and/or apprentices who deliberately violate this policy will be subject to serious disciplinary action, up to and including immediate termination of employment or expulsion from the apprenticeship program for cause.

### Acknowledgment & Acceptance of Colorado Sheet Joint Apprenticeship & Training Committee Respect in the Workplace Policy (Anti-Discrimination and Anti-Harassment)

*I have read, understand, and accept the terms of the Colorado Sheet Metal Joint Apprenticeship & Training Committee Respect in the Education Environment Policy (Anti-Discrimination and Anti-Harassment).*

Name  
Printed: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_