

# **PROTECTION OF CHILDREN, YOUTH AND VULNERABLE ADULTS – POLICY**

## **1. PURPOSE**

Skills Canada – Nova Scotia (SCNS) is dedicated to providing opportunities for youth to explore skilled trades and technologies, discover their passions, and strive for excellence. SCNS is committed to delivering events and programs in which all staff, participants and volunteers are treated with dignity and respect and to providing an environment free from violence, harassment and abuse.

## **2. SCOPE**

This policy applies to all staff and volunteers of SCNS. All staff and volunteers must be familiar with this policy and its contents, and must be aware of their obligations under this policy.

## **3. DEFINITIONS**

**CHILDREN (child)** – refers to a person under the age of 12

**PARTICIPANT** – refers to a child, youth or vulnerable adult who participates in a SCNS event

**SCREENING** – refers to a Criminal Record Check, a Vulnerable Sector Check, and a Child Abuse Registry Check

**STAFF** – refers to all employees of SCNS, full, part-time, and contracted that have any contact with participants

**VOLUNTEERS** – refers to all individuals who help to deliver SCNS activities on an unpaid basis

**VULNERABLE ADULT** – refers to a person aged 18 or over who is, or may be, in need of community services due to age, illness or a mental or physical disability and who is, or may be, unable to take care of themselves, or unable to protect themselves against significant harm or exploitation

**YOUTH** – refers to a person between the ages of 12 and 18

## **4. PRACTICES TO ENSURE THE PROTECTION OF PARTICIPANTS**

SCNS will implement the following measures:

- A minimum of two individuals (staff, volunteers, teachers, or program facilitators) will be assigned to each event or program (e.g. Nova Scotia Skills Competition is an event)
- Individual staff and volunteers must never be alone with an individual participant where others cannot observe them
- Classroom and venue doors should remain open except where it has previously been approved, unless there is a window in the door or a side window beside it that allows clear vision into the space
- All sites of operation will have access to a telephone on location during operating hours
- Staff, volunteers and participants will follow the “Rule of Three” at all times (at least three people in a gathering unless interaction of two individuals can be observed by others)
- Facilities will be well lit, both indoors and outdoors
- Staff and volunteers will utilize constructive methods for maintaining group control and managing participant behaviour
- Staff and volunteers will never remove any garments from a participant, unless necessary for the participant’s health or safety or because the participant has requested assistance
- Staff and volunteers will not change clothes in front of participants



### **Contact with participants**

It is understood that staff and volunteers will foster positive relationships with participants while involved with SCNS programming. The following practices will be followed to ensure the protection of participants, staff and volunteers outside of SCNS programs:

- Staff and volunteers will not initiate contact with or accept supervisory responsibility for participants outside the scope of their SCNS duties. Staff and volunteers with prior or family relationships to participants may be exempt from this restriction
- Staff and volunteers will appear and behave in a manner consistent with the mission and values of SCNS at all times while on or off duty, including electronic, written and verbal communications
- SCNS will promote positive values and youth protection strategies as outlined in this policy in its programs and facilities, with parents, and in the community
- Parents will be allowed to observe programs at any time when appropriate and safe

### **Updates to Policy**

It is the responsibility of SCNS to develop, implement, and monitor this policy to ensure its accuracy and to train staff and volunteers as needed. The Board of Directors will review this policy at a minimum every three years or more frequently as the environment changes to ensure that it meets the needs of all stakeholders.

## **5. UNDERSTANDING VIOLENCE**

Ensuring an environment free of violence is part of Skills Canada – Nova Scotia’s core values. Under no circumstances will violence be permitted or tolerated by SCNS in its events or programs.

Violence means the exercise or threat of physical force against a person that causes or could cause physical injury; an attempt to exercise physical force against a person that could cause physical injury; or a statement or behaviour that could reasonably be interpreted as a threat to exercise physical force causing physical injury against another person.

Violence includes, but is not limited to:

- Verbally threatening to attack a person
- Leaving threatening notes or sending threatening e-mails, texts, etc.
- Hitting or trying to hit a person
- Throwing an object at a person
- Sexual violence against a person

## **6. UNDERSTANDING HARASSMENT**

Ensuring an environment free of harassment is part of Skills Canada – Nova Scotia’s core values. Under no circumstances will harassment be permitted or tolerated by SCNS in its events or programs.

Harassment means engaging in a course of aggravating comment or conduct against another person that is known or ought reasonably to be known would be unwelcome. It includes actions, comments or displays.



Examples of harassment include, but are not limited to:

- unwelcome remarks, slurs, jokes, taunts, or suggestions about a person's body, clothing, race, national or ethnic origin, colour, religion, age, sex, gender or gender identity, marital status, family status, physical or mental disability, sexual orientation or identity, or other personal characteristics
- unwelcome sexual remarks, invitations, or requests
- displays of sexually explicit, sexist, racist or other offensive or derogatory material
- written or verbal abuse or threats
- practical jokes that embarrass or insult someone
- leering (suggestive staring) or other offensive gestures
- unwelcome physical contact, such as patting, touching, pinching, or hitting
- patronizing or condescending behaviour
- humiliating a person
- abuse of authority
- vandalism of personal property
- physical or sexual assault

Skills Canada – Nova Scotia abides by the Canadian Human Rights Act and Nova Scotian Human Rights Act.

## **7. UNDERSTANDING SEXUAL ABUSE**

Under no circumstances does Skills Canada – Nova Scotia permit sexual relations between a staff member and a child, youth or vulnerable adult participant.

Sexual abuse occurs when a participant is used by another person for non-consensual sexual stimulation or gratification. This includes behavior that involves touching and non-touching aspects.

Sexual abuse that involves touching may include:

- Fondling
- Kissing
- Oral, genital and anal penetration
- Intercourse
- Rape

Sexual abuse that does not involve touching may include:

- verbal comments
- exposure to pornography
- obscene phone calls, e-mails, texting or other communications
- exhibitionism
- allowing participants to witness sexual activity

Physical and sexual assault is prosecuted under the Criminal Code of Canada.



## **8. REPORTS OF HARASSMENT OR ABUSE**

Individuals should never deal with abuse or harassment disclosures in isolation. Any allegation against an employee of SCNS or a volunteer must be reported immediately to the Executive Director (or, in the case of an allegation against the Executive Director, the issue should be communicated to the SCNS Board President).

All allegations of this nature will be handled promptly in accordance with SCNS's Protection of Children, Youth, and Vulnerable Adults Procedure.

Contact information for the Executive Director and SCNS Board President can be found on the Skills Canada – Nova Scotia website: [www.skillsns.ca](http://www.skillsns.ca).

## **9. PROTECTION MEASURES**

As a means of further protecting participants, SCNS is committed to ensuring that all staff and volunteers are appropriately screened. See the Protection of Children, Youth, and Vulnerable Adults Procedures document for additional details.

## **10. CONFIDENTIALITY AND PRIVACY**

SCNS will not disclose any information about a complaint except as necessary to investigate the complaint or to take disciplinary action, or as required by law.



# PROTECTION OF CHILDREN, YOUTH AND VULNERABLE ADULTS – PROCEDURE

## 1. PURPOSE

Skills Canada – Nova Scotia (SCNS) is dedicated to providing opportunities for youth to explore skilled trades and technologies, discover their passions, and strive for excellence. SCNS is committed to delivering events and programs in which all staff, participants and volunteers are treated with dignity and respect and to providing an environment free from violence, harassment and abuse.

## 2. PREVENTION MEASURES

As a means of further protecting participants, SCNS is committed to ensuring that all Staff and Volunteers are appropriately screened in the manner described below. Screening shall include the methods described in the policy.

### 2.1 Volunteer Screening: Categorizing Risk Levels

Currently, SCNS solicits the public to act as volunteers. Volunteers are secured from many different sources and at different times relative to the event. Depending upon the event, volunteers are professionals or affiliated with SCNS through partnerships, educational institutions, training providers or associations. SCNS enjoys strong relationships with its volunteers and sees return volunteers for repeat events.

Many of the event volunteers are not recruited by SCNS but are invited by other partners or volunteers. Other educational institutions also bring students and staff to volunteer during SCNS events.

Volunteers are categorized by risk due to level of interaction with participants, as follows:

- Level A:** Volunteers who travel with participants to the Skills Canada National Competition or WorldSkills Competition. Risk Level: High
- Level B:** Volunteers who serve on a Provincial Technical Committee, or serve on the Board of Directors of SCNS. There exists an implication of authority for this group. Risk Level: Moderate
- Level C:** Volunteers who assist at events and programs in public settings. Risk Level: Low

### 2.2 Volunteer Orientation and Screening by Risk Level

**Level A** volunteers must participate in an orientation session held by SCNS staff that includes a review of the Protection of Children, Youth, and Vulnerable Adults Policy and Procedures and the Guiding Principles. Level A volunteers must agree to abide by this Policy and Procedures and Guiding Principles before actively participating in SCNS events. The volunteer's commitment to the Guiding Principles and the Protection of Children, Youth, and Vulnerable Adults Policy and Procedures must be renewed annually.

In exceptional circumstances, Skills Canada – Nova Scotia reserves the right to request additional screening.

In addition to Skills Canada – Nova Scotia staff chaperones, all junior and senior high school competitors will be assigned a chaperone approved by their school. Only current teachers/ school board representatives with support and approval of their school/ school board will be permitted to act as these chaperones. All junior and senior high chaperones and their immediate supervisor must sign a Chaperone Commitment Policy (see Appendix A).



**Level B** volunteers must read and sign a statement of acknowledgement agreeing to abide by the Guiding Principles and Protection of Children, Youth and Vulnerable Adults Policy & Procedures annually.

**Level C** volunteers must participate in an orientation as approved by SCNS. At a minimum this orientation includes Review of the Guiding Principles and Volunteer role/ expectations for the day.

## **2.3 SCNS Staff Screening, Orientation and Vulnerable Sector Check**

All SCNS Staff also must participate in an orientation session that includes a review of the Protection of Children, Youth and Vulnerable Adults Policy and Procedures. SCNS Staff must agree to abide by this Policy within the SCNS orientation period and before any interaction with participants. These documents will be maintained in a personnel file at the SCNS office.

All SCNS staff must procure and provide a Vulnerable Sector (VS) Check before commencing employment with SCNS. The VS Check and the employee's commitment to the Policy must be renewed every three years at the expense of the organization. SCNS reserves the right to require additional screening as needed by SCNS operations.

The VS Check verifies whether an individual has a criminal record, as well as any record suspensions (formerly pardons) for sexual offences and police records for information relevant to the VS Check. The information that can be legally disclosed is provided to the applicant. This type of record check must be processed by the police service where the individual lives.

New staff will receive an orientation that includes a review of policies related to safety, transportation, prevention and reporting of participant abuse or harassment, and emergency procedures within the first week of their activation.

## **3. LEGAL OBLIGATIONS OF ORGANIZATIONS**

The people in an organization have the responsibility to ensure the safety and health of all those who come in contact with the organization, whether that contact is as participants, volunteers, employees or partners.

### **3.1 Procedure to Meet Legal Obligations**

SCNS takes all complaints seriously and meets its legal obligations by:

- 3.1.1 Using due diligence and ensuring reasonable measures are taken to provide appropriate service.
- 3.1.2 Following the process without bias
- 3.1.3 Documenting all information from the first disclosure to the final resolution
- 3.1.4 Recording only relevant facts
- 3.1.5 Ensuring keeping of confidential and secured record of the number of complaints filed, the nature of these complaints, the outcome of the investigation and corrective action(s) taken

### **3.2 Confidentiality and Privacy**

SCNS does not disclose any information about a complaint except as necessary to investigate the complaint or to take disciplinary action, or as required by law.



## 4. COMPLAINT PROCEDURE AND ROLES

Any allegation against an employee of SCNS or a volunteer must be reported immediately. All allegations of this nature will be handled promptly in accordance with SCNS's procedure as outlined below.

### 4.1 Procedure After a Complaint

If a participant approaches a staff member or volunteer and advises them of a complaint up to and including that they have been assaulted, abused or harassed, the staff member or volunteer shall:

- 4.1.1 Ensure that the participant is not in any immediate harm or danger
- 4.1.2 Assure the participant that their allegation is accepted and taken seriously
- 4.1.3 Listen carefully and sympathetically and pay attention to communication needs in relation to age and any learning abilities
- 4.1.4 Not prompt or ask leading questions
- 4.1.5 Make a note of the date, time, place, and people who were present and write down exactly what they have been told, using the exact words, if possible
- 4.1.6 Not promise confidentiality, as information on harassment and abuse must be reported according to the relevant provincial legislation; most such legislation requires that, where a participant is in need of protective intervention, it must be reported to the appropriate government authority
- 4.1.7 Explain what action must be taken – immediate referral to the SCNS Executive Director (or if the allegation is against the Executive Director, immediate referral to the SCNS Board President)
- 4.1.8 Not confront the alleged abuser or harasser
- 4.1.9 Immediately report allegations against an employee of SCNS or a volunteer to the SCNS Executive Director
- 4.1.10 Immediately report to the SCNS Board President if the ED is the party accused

Contact information for the Executive Director and SCNS Board President can be found on the Skills Canada – Nova Scotia website at [www.skillsns.ca](http://www.skillsns.ca)

### 4.2 Role of SCNS Executive Director

On receipt of complaint the ED shall:

- 4.2.1 Ensure process and procedures are followed within the prescribed time frame
- 4.2.2 Ensure records of all actions, discussions and decision-making rationale are maintained in a secure location
- 4.2.3 Arrange for the proper expertise, mediation and/or investigation as required
- 4.2.4 Refer the case to the appropriate agency or authority. It should be made clear to the participant or parent(s)/guardian that confidentiality cannot be guaranteed. If the participant or parent(s)/guardian does not wish the complaint to be taken forward, the ED will:
  - 4.2.4.1 Seek advice from the appropriate agency or authority
  - 4.2.4.2 Update the participant or parent(s)/guardian of a decision to report the incident and reason for the referral to the agency or authority
  - 4.2.4.3 Make contact with the participant or parent(s)/guardian unless that action places the participant in harm or danger.



- 4.2.5 If required, ensure the insurance company is notified and an incident report completed
- 4.2.6 If required, designate a media spokesperson; either SCNS or non-staff depending on nature of complaint
- 4.2.7 Receive the mediation and/or investigation outcomes and confer with the Board President and others as required
- 4.2.8 Apply the appropriate action or consequences that reflect the evidence, the nature of the harassment, whether physical contact was involved, whether the situation was isolated, and whether there was an abuse of power. Actions and consequences may include:
  - 4.2.8.1 No further action required
  - 4.2.8.2 Verbal or written apology provided
  - 4.2.8.3 A letter of reprimand or suspension
  - 4.2.8.4 A recommendation to consider attending counselling
  - 4.2.8.5 A recommendation to consider attending sensitivity training
  - 4.2.8.6 Termination of employment, volunteer activity (see Section 5 'Disciplinary Action')
  - 4.2.8.7 Referral to police or other legal authorities (see Section 5 'Disciplinary Action')
  - 4.2.8.8 Other sanctions as deemed appropriate by the ED and/or the Board President

### 4.3 Role of Mediator

The role of the mediator is determined by the ED or Board President and then agreed to by the parties involved. The intent of mediation is to resolve the situation to the satisfaction of both parties. The mediator shall:

- 4.3.1 Advise alleged parties of complaint, if this has not already happened
- 4.3.2 Establish ground rules and agreement by all parties for how discussion is used
- 4.3.3 Determine the parties' wishes and needs
- 4.3.4 Explore with the parties different ways to arrive at resolution of the complaint
- 4.3.5 Arrive at resolution of the complaint

If the parties do not agree on a mediator or the process, and/ or the mediation process does not end in resolution, the ED refers the complaint to investigation.

### 4.4 Role of Investigator

The investigator is chosen by the ED or Board President if the nature of a complaint requires, or if mediation fails. The investigator promptly makes arrangements for a thorough and unbiased investigation to be conducted in as timely and confidential a manner as possible, and shall:

- 4.4.1 Inform all parties of their rights and responsibilities
- 4.4.2 Secure all complaints and responses in writing, with dates, names, witnesses and full descriptions of the incident(s)
- 4.4.3 Interview the parties involved and any witnesses to the behaviour, if necessary
- 4.4.4 Notify any individual interviewed of their right to be accompanied by the representative of their choice
- 4.4.5 Keep the parties to the complaint informed during the process, including providing the alleged harasser with full particulars of the allegations and a copy of the written complaint
- 4.4.6 Prepare a written report for the ED and any required external agencies that details the allegations of the complainant, the response of all parties, the evidence of any witnesses, and the conclusion reached





## **5. DISCIPLINARY ACTION**

As a result of an investigation, any staff or volunteer found to have committed any act of violence, harassment or abuse towards a participant will be subject to immediate disciplinary action, up to and including dismissal or termination of volunteer engagement. The staff or volunteer may be subject to criminal proceedings.

Where a participant has been found to have committed any act of violence, harassment or abuse, disciplinary action may include disqualification and ban on future event participation.

Criteria in determining level of disciplinary action are based on the facts of the incident(s) and take into account whether or not there was an unequal power relationship, the harm to the individual, and the harm to SCNS and its reputation.

## **6. APPEALING SCNS ACTIONS**

Either the complainant or alleged harasser may, within thirty (30) days of being notified of the action, submit an appeal, in writing, to the Executive Director or Board President.

In the event that the Executive Director or Board President determines that further investigation is required, any additional findings shall be disclosed to the parties, who will be provided with an opportunity to respond.

The Executive Director or Board President then reviews all records and determines whether further actions as required as per SCNS policy and procedure.

## **7. FRAUDULENT ACCUSATIONS**

Intentionally accusing someone of harassment, known to be false, is a serious offence and is subject to the same disciplinary action detailed in this procedure.

The organization reserves the right to discipline those whose complaints are frivolous or vexatious. Any interference with the conduct of an investigation, or retaliation against a complainant, respondent or witness, may itself result in disciplinary action.

