

OPENING MINDS ASSESSOR CODE OF ETHICS AND STANDARDS OF CONDUCT

Definitions

In this Code,

(a) "Assessment" means a systematic, independent and documented evaluation of an organization's psychological health and safety management system to an approved Standard, carried out by an OM-certified Assessor;

(b) "Assessor" means the OM-certified Assessor;

(c) "Code" means this OM Assessor Code of Ethics and Standards of Conduct;

(e) "Client" means an entity that contracts with the Assessor to perform an Assessment on the Client's operations;

(f) "External Certification Assessment" means an Assessment performed to enable a Client to obtain or renew a recognition;

(g) "Confidential Information" " means all confidential and proprietary information of a Client, including all information in any form that (i) derives economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, or (ii) is provided to or obtained in circumstances where, by its nature or the nature of its disclosure, an Assessor ought reasonably to know has value in being not generally known by the public (including, without limitation, any information that is marked or indicated as confidential at the time of disclosure). Notwithstanding the foregoing, Confidential Information does not include information if, and only to the extent that, an Assessor can establish the following with written documentation:

(i) is or becomes a part of the public domain through no act or omission by the Assessor;

(ii) was in the Assessor's lawful possession prior to the disclosure and (i) had not been obtained by the Assessor either directly or indirectly from the discloser and (ii) was not subject to any obligation of confidentiality;

(iii) was lawfully disclosed to the Assessor by a third party without restriction on disclosure; or

(iv) is independently developed by the Assessor without any direct or indirect use of or reference to the discloser's Confidential Information whatsoever.

(h) "Conflict of Interest" means a situation in which the Assessor's ability to perform an Assessment objectively may be affected, or may be perceived to have been affected, and includes, but is not limited to, the situations set out in this Code;

(i) "Corporate Group" means consulting firms, partnerships, professional corporations, sole proprietorships or other corporate entities who are affiliated or work together or individually, and are associated with the Assessor by reason of ownership or the Assessor's employment arrangements, whether the Assessor is an employee or contractor of the Corporate Group;

(j) "Intellectual Property" means all intellectual property protectable under patent law, copyright law, trade secret law, trademark law and all similar proprietary rights, , and any and all renewals, extensions, and restorations thereof;

(k) "OM" means Opening Minds, the division of the Mental Health Commission of Canada that provides training and services on mental health stigma reduction, coping skills, and psychological health and safety;"

(l) "Person" means an identifiable individual;

(m) "Personal Health Information", means personally identifiable health information (as defined by applicable law) as it relates to an identifiable individual;

(n) "Personal Information" means, personally identifiable information (as defined by applicable Privacy Laws) as it relates to an identifiable individual;

(o) "Personal Relationship" means a relationship with another person or entity that will impair or is likely to impair the Assessor's independent judgment in the performance of an Assessment and could include, but is not limited to, a relationship with the Assessor's family members, close personal friends, and business associates;

(p) "Privacy Laws" means all federal, provincial, municipal or other applicable statutes, laws or regulations governing the handling of information about an identifiable individual;

(q)"Standard(s)" means all officially signed policies, procedures and approved Assessment instruments that are officially adopted by OM and are formally captured and made available to the Assessors, as amended from time to time.

1.0 Ethical Conduct

All Assessors must always adhere to the following ethical requirements when conducting an Assessment:

(a) Confidentiality: Assessors shall maintain the confidentiality of the interview process, including any Confidential Information and Personal Information disclosed. Assessors shall ensure that all Confidential Information and Personal Information obtained through the Assessment is handled in accordance with the Assessors obligations in this Code, any agreements with OM and applicable Privacy Laws. Assessors shall not disclose Confidential Information and Personal Information to any other Person or third party other than to the Client and the OM, except where (i) the Assessor is authorized by the Person or Client to whom the Confidential Information and Personal Information belongs; or (ii) where the Assessor is otherwise legally authorized or obligated to disclose the Confidential Information and Personal Information as more fully described in section 1.(n) or (iii) is seeking legal advice.

(b) Professional Conduct: Assessors shall behave in such a manner that their good faith and integrity will not be called into question. In addition, Assessors shall not misrepresent or alter any aspect of OM's operations, policies, Standards, or procedures to Clients or any third parties.

(c) Diligence: Assessors must act in good faith, responsibly with due care, judgement and competence, and without misrepresenting material facts or allowing their independent judgment to be compromised.



- (d) Evidence-Based Approach: Assessors must be accurate and consistent in their evaluations of data obtained through documentation, interviews, and observation. Assessment evidence should be verifiable and based on samples of information available, and reproducible in a systemic Assessment process.
- (e) Completeness: Assessors must ensure their evaluations are complete and avoid any omissions that are relevant to the scope of the Assessment.
- (f) Clarity: Assessors must ensure that both their suggestions for improvement and other notes and observations are clear, concise, reflective of the Assessment findings, and written in plain language.
- (g) Honesty: Assessors must be honest in their assessment of the Clients' workplace psychological health and safety management systems and in their dealings with all persons involved in the Assessment.
- (h) Objectivity: Assessors must separate facts from opinion and not allow their personal feelings or prejudices to affect the objectivity of their evaluation. Evaluations must be based on objective and evidence-based approach, not on the Assessor's subjective opinion or assumptions. Where an Assessor encounters significant obstacles or unresolved divergent opinions with the Client these must be immediately reported to OM in writing.
- (i) Relevance: Assessors must ensure their recommendations are relevant to the Clients' operations, meet the standards of the applicable Assessment instrument, and add value for improving the Clients' psychological health and safety management system in accordance with OM's guidance and integration framework .
- (j) Timeliness: Assessors must ensure that they comply with all timelines set by the Client and/or OM for data gathering, Assessment completion, submission of the Assessment instrument and Assessment report to the Client/and OM, and the completion and submission of any required corrections to the Client.
- (k) Corporate Opportunity: Assessors are prohibited from using either the Client's or OM's Intellectual Property, Confidential Information or Personal Information for personal gain, including for the gain of the Assessor's family members, friends or associates.
- (l) Duty to Report Violations: If an Assessor is aware of a situation where another Assessor(s) may have violated this Code or engaged in unethical Assessment practices or illegal activities, the Assessor must report this to OM immediately in writing.
- (m) Duty to Report Privacy Breaches: If an Assessor is aware of a situation involving a breach or suspected breach of Privacy Laws involving the Client or committed by or otherwise involving or affecting individuals within the Client's organization, the Assessor must report this to the Client immediately. At the same time, the Assessor must report to OM the fact that a privacy breach was reported to the Client (but without disclosing to OM any details of the breach).
- (n) Duty to Report Significant Risks of Serious Bodily Harm: If an Assessor believes on reasonable grounds that a person or group of persons within the Client's organization is at significant risk of serious bodily harm (including but not necessarily limited to abuse (whether mental, physical, or sexual), assault (whether physical or sexual), or death), the Assessor must report this to the Client immediately. The Assessor's report may include Personal Information about a Person, so long as the disclosure of such



information is reasonably necessary to assist the Client in managing an employment relationship. However, the Assessor's report must not disclose any Personal Health Information (specifically, information that relates to the physical or mental health of a Person), unless the Assessor is otherwise legally authorized or obligated to disclose such information. **If the situation reasonably appears to the Assessor to constitute an emergency, the Assessor must immediately report it to the police and, without delay, to the individual(s) at risk.** At the same time, the Assessor must report to OM the fact that a significant risk has been reported to the Client. The Assessor's report to OM must include the nature of the risk reported but must not include Personal Health Information or Personal Information about a Person.

(m) Compliance with Applicable Standards: Assessors must follow all Assessment and quality assurance standards as established by OM.

(n) Compliance with Applicable Laws, Rules, Regulations and Legislation: Assessors must comply with all applicable laws, rules and regulations of federal, provincial and local governments, public regulatory agencies and any applicable private regulatory agencies.

2.0 Professionalism and Honesty

All Assessors certified by OM must always adhere to the following ethical requirements when conducting an Assessment:

(a) The Assessor must maintain the highest standards of honesty, integrity, diligence, and professionalism in the performance of their duties, including all engagements and dealings with Clients and with OM.

(b) The Assessor must not:

(i) perform an Assessment for which the Assessor is not competent, qualified and certified;

(ii) misrepresent to Clients or the OM the Assessor's competency, qualifications, training, past or current employment status, or certification;

(iii) knowingly manipulate the data collected from the client to influence the findings and recommendations in the Assessment in a way that is inaccurate, misleading, or false;

(iv) allow the Assessment results to be influenced by any factor other than the data collected by the Assessor through documentation, interviews, and observation;

(v) knowingly include false statements or data in the Assessment;

(vi) knowingly interview fewer employees or workers than is required by the OM for the type of Assessment being performed;

(vii) knowingly make fewer site visits than are required by the OM for the type of Assessment being performed;

(viii) knowingly take shortcuts on the validation methods required by the OM for the type of Assessment being performed; or

(ix) accept fees or gratuities for performing the Assessment from the Client, other than those agreed to in the contract with the Client.

3.0 Independence and Avoiding Conflicts of Interest

Assessors must avoid all actual or perceived Conflicts of Interest. A Conflict of Interest may influence the results of the Assessment. This can lead to inaccurate Assessment results, and ultimately, increase the risk of the psychological health and safety of the Clients and their respective employees. This part of the Code applies to all Assessors when conducting any type of psychological health and safety Assessment but does not apply to employees who are performing Internal Assessments of their own employer.

(a) Assessors must avoid placing themselves in a Conflict of Interest when performing Assessments;

(b) Independence: the basis for the impartiality of the Assessment and objectivity of the Assessment conclusions Assessors should be independent of the activity being assessed wherever practicable and should in all cases act in a manner that is free from bias and conflict of interest. For internal Assessments, Assessors should be independent from the function being assessed if practicable. Assessors should maintain objectivity throughout the Assessment process to ensure that the Assessment findings and conclusions are based only on the Assessment evidence. For small organizations, it may not be possible for internal Assessors to be fully independent of the activity being assessed, but every effort should be made to remove bias and encourage objectivity.

(c) The Assessor must not:

(i) perform an External Certification Assessment OM- OM PHS Certification Assessment for a Client if the Assessor or a member of the Assessor's Corporate Group has helped to build, establish, implement, advise or consult upon, or maintain the Client's psychological health and safety management system or processes in the 12 months preceding the date of first data gathering in relation to the External Certification Assessment's date;

(ii) perform an External Certification Assessment for a Client who, in the 12 months preceding the Assessment, employed the Assessor or a member of the Assessor's Corporate Group, or had a direct contractual relationship with the Assessor or a member of the Assessor's Corporate Group, unless the nature of the employment or contractual relationship falls into the following categories:

(A) the Assessor or a member of the Assessor's Corporate Group has delivered courses for the Client, including the following:

- a. Opening Minds Courses:
- b. Mental Health First Aid
- c. The Working Mind
- d. Introduction to Psychological Health and Safety
- e. Integrating Psychological Health and Safety in the Workplace
- f. Psychological Health and Safety Assessor Training

(B) the Assessor or a member of the Assessor's Corporate Group has delivered generic training courses for the Client; or



(C) the Assessor or a member of the Assessor's Corporate Group has provided services to the Client that are not directly evaluated by the Assessment instrument;

(iii) perform an External Certification Assessment for a Client if the Assessor or a member of the Assessor's Corporate Group has a Personal Relationship with the Client's owner, or any key employees, or members of the Client's management group, if that Personal Relationship may be construed or perceived as a Conflict of Interest;

(iv) make recommendations in an External Certification Assessment with the intention of using them to market or justify the purchase of additional business services from either the Assessor or members of the Assessor's Corporate Group;

(v) market the Assessor's services or those of the Assessor's Corporate Group to the Client while performing the External Certification Assessment; or

(vii) perform an External Certification Assessment for a Client that has any contractual relationship with the Assessor's employer, other than a contract for the performance of Assessments or related psychological health and safety services.

4.0 Assessor Code of Ethics & Conflict of Interest Violations

The penalties for breaching the Code depend on the circumstances, previous infractions and the severity of the breach. Penalties can include suspension and/or permanent revocation of certification.

Signature

Date

Assessor Name