



## **ANTI-HARASSMENT AND WORKPLACE BEHAVIOUR POLICY**

**POLICY STATEMENT:** Canada Snowboard is committed to maintaining an environment that encourages and fosters appropriate conduct and respect for individuals and individual values.

<b>Policy Category:</b>	Governance
<b>Approval Authority:</b>	Governing Board
<b>Department:</b>	Executive Director
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<b>Related Policies:</b>	Canada Snowboard Code of Conduct and Ethics Canada Snowboard Discipline and Complaints Policy Canada Snowboard Athlete Agreement Provincial, territorial, federal and international laws

### **Definitions**

#### **1. The following terms have these meanings in this policy:**

- a. **Complainant:** Anyone who believes, and makes it known he or she has been subjected to the misconduct of an employee, director, volunteer, coach, athlete, official or other member of Canada Snowboard during the course of Canada Snowboard business, activities of events. Also, anyone who may have witnessed such conduct and makes it known on behalf of another party.
- b. **Respondent:** The individual(s) accused of the behaviour(s) which the Complainant thinks constitutes discrimination, violence or harassment.
- c. **Condonation:** A person in authority who knows that discrimination or harassment may have occurred and fails to take appropriate action. The person in authority who has overlooked this unwanted workplace behaviour of discrimination or harassment is subject to sanctions under the guidelines of this policy.
- d. **Prohibited discrimination:** is the adverse treatment of any person based on the Human Rights Code rather than on the basis of his or her individual merit. This includes, race, colour, gender and/or gender identity or expression, religion, ancestry, place of origin, ethnicity, religion, family status, marital status, disability, political belief or conviction of a criminal or summary offence unrelated to the individual’s employment or tenure of membership. Prohibited discrimination also includes any conduct that constitutes illegal discrimination as defined by the jurisdiction in which the conduct occurs.
- e. **Prohibited harassment:** is any behaviour, including all forms of communication, or physical conduct that is insulting, intimidating, humiliating, hurtful, malicious, degrading, or otherwise offensive to an individual or group of individuals (including a statement with respect to a Prohibited Ground or otherwise); and would be considered by a reasonable person to create an intimidating, humiliating or uncomfortable work or sport-related environment;

Examples of harassment and other forms of discrimination may include, but are not limited to:

- i. unwelcome sexual advances, invitations or requests, whether direct or indirect (including persistent unwanted contact after the end of a consensual relationship);
- ii. racial, ethnic, homophobic, or sexual insults, comments, innuendoes, taunting, slurs, practical jokes, or questions that cause awkwardness or embarrassment;
- iii. unwanted physical contact such as grabbing, pulling or undoing clothing, hugging, kissing, touching, patting, pinching or brushing against;
- iv. leering (suggestive staring), or other offensive gestures;



- v. physical or sexual assault;
  - vi. intimidation;
  - vii. abuse of authority, condescension, or patronizing behaviour which undermines self-respect or adversely affects or undermines performance or working conditions, or threatens careers;
  - viii. refusal to work with a person based on his or her race, sexual orientation etc.;
  - ix. false accusations of harassment motivated by malice or mischief, and meant to cause other harm, is considered harassment;
  - x. sexual harassment, as further described in section
  - xi. displaying or transmitting electronic material of pornographic or other offensive or derogatory material; and
  - xii. conduct that a person might reasonably conclude places a condition of a sexual nature affecting any personnel decisions such as hiring, promotion, or compensation.
  - xiii. any ground of harassment as prohibited by applicable law.
- f. **Sexual harassment:** Behavior involving one or a series of unwelcome sexual advances, gestures, requests, communications (verbal, written or electronic) for sexual favours or conduct of a sexual nature;
- i. when such conduct might reasonably be expected to cause embarrassment, insecurity, discomfort, offense or humiliation to another person or group.
  - ii. when submission to such conduct is made, implicitly or explicitly, a condition of employment or participation in a sport-related activity or team selection;
  - iii. when submission to or rejection of such conduct is used as a basis for any employment or sport-related decision;
  - iv. when such conduct has the purpose or the effect of interfering with a person's work or sport performance or of creating an intimidating, hostile or offensive work or sport environment.
- g. **Prohibited violence:** Violence includes any attempted or actual exercise by any person, including another worker, of any physical force so as to cause injury to a worker and includes any express threat of violence.
- h. **Sport and/or workplace application:** For the purposes of this policy, sport and/or workplace harassment will include the following locations:
- i. At sporting event, competitions, and in training sessions;
  - ii. At the office;
  - iii. At office-related social functions;
  - iv. At the organization's business functions, such as meetings, conferences, training sessions, and workshops;
  - v. During work-related / sport-related travel;
  - vi. Over the telephone or electronic media; or
  - vii. Elsewhere if the person harassed is there as a result of work-or sport-related responsibilities or a work or sport-related relationship (e.g. sponsor event,)
- i. **Reprisal:** Reprisals or threats of reprisal are an aggravating factor in any situation involving discrimination or harassment, particularly where the reprisal or threat of reprisal is by a person in authority. Examples of reprisal include but are not limited to:
- i. Acts of retaliation or intimidation designed to punish an individual who has reported harassment.
  - ii. Threats of retaliation or intimidation designed to dissuade an individual from reporting harassment.
  - iii. In sexual harassment situations, reprisals can also include but are not limited to:
  - iv. Acts of retaliation or intimidation to punish an individual who has rejected sexual advances.
  - v. Threats of retaliation or intimidation if sexual advances are rejected.
  - vi. For the purpose of this policy, the making of a vexatious complaint shall also be deemed a reprisal.



### **Purpose**

2. Canada Snowboard will not tolerate the unlawful acts of discrimination or harassment, which undermine the character and purpose of the organization.
3. The Anti-Harassment and Workplace Behavior Policy is enforced at all levels of Canada Snowboard in order to create an environment free from discrimination, harassment, retaliation and/or sexual assault.
4. Canada Snowboard is committed to maintaining a sport and work environment that is free of bias, prejudice and harassment in order to support, nurture and reward the participation, career and athletic advancement on the basis of ability and performance. The objective of this policy is:
  - i. To protect members and employees of Canada Snowboard
  - ii. To prevent harassment situations from occurring
  - iii. To provide a means for members and employees of Canada Snowboard to deal with harassment issues.

### **Scope and Application**

5. This policy applies to all directors, employees, volunteers, coaches, athletes and members of Canada Snowboard while engaged in all activities of the organization.

### **Contacts**

6. Canada Snowboard's Executive Directorship shall be the primary contact for this policy; if the person in the Executive Director's position is involved in any complaint, the Board of Directors shall be responsible for the policy and the procedures in order to implement or enact the policy.

### **Principles**

7. Each individual of Canada Snowboard has the right to participate and work in an environment, that promotes equal opportunities and prohibits discriminatory practices.
8. Canada Snowboard is committed to ensuring that the all members of the Snowboard community have the right to expect, and the responsibility to create, an environment where all are safe.
9. The conduct and language of membership, volunteers, athletes, staff and the Board in the sport and workplace must meet acceptable social standards and must contribute to a positive work and training environment, and must not compromise the integrity of Canada Snowboard.
10. Canada Snowboard believes that education and training is fundamental to preventing the occurrence of harassment.
11. Canada Snowboard will not tolerate sport or work place harassment.
12. Canada Snowboard views violence in the workplace as unacceptable and it will not be tolerated

### **The Policy**

13. The information included here builds upon Canada Snowboard's Code of Conduct and Ethics, which can be found at: <http://www.canadasnowboard.ca/en/ms/docs/>.

### **14. Policy Provisions:**

#### **14.1. Prevention**

- 14.1.1. Education:** Canada Snowboard is committed to preventing and eliminating unwanted conduct and behaviors through education and training for all staff and Board members on the Anti-harassment and Workplace Behavior Policy and procedures.
- 14.1.2. Ethics Liaison/Commissionaire:** Canada Snowboard will identify an independent resource to whom members can express concerns and ask questions; this person's name and contact information will be published and provided annually to the membership.
- 14.1.3. Promotion of healthy, respectful and safe organization:** Canada Snowboard will emphasize the values of the organization and the intolerance of discrimination, harassment and violence, in order to foster a safe and healthy environment for all participants engaged in the organization's activities.
- 14.1.4.** Continual review by the assigned Director to monitor the employees of Canada Snowboard for their awareness, views and compliance with creating and healthy and safe work and sport environment and for the enforcement of these policies.



- 14.2. Responsibility to report:** It is the duty of any member of Canada Snowboard who knows that discrimination or harassment may have occurred to report it in a timely and appropriate manner following the established guidelines of this policy.
- 14.2.1. Staff, Board and athletes must report any incident of violence directed towards themselves or their peers and co-workers. Any person hearing a threat must report that threat if he or she has reasonable cause to believe that the threat is serious. Any incident or threat of violence in the workplace must be addressed immediately.
- 14.2.2. Minors: Where the Complainant or the Respondent is a minor, a parent, guardian, or older adult of the minor's choice may speak on his or her behalf and assist in all proceedings under this policy.
- 14.3. Athletic Training Environment:** Discipline is an indispensable part of high performance sport and should not be confused with harassment. However, it is of vital importance that Canada Snowboard and those staff in positions of authority:
- 14.3.1. Set, communicate and uphold consistent non-discriminatory performance standards, selection criteria, rules and regulations to all participants.
- 14.3.2. Ensure that training involving touching or other physical contact occurs in an appropriate setting, and only after informed consent has been sought and received.
- 14.3.3. Be consistent in taking any corrective or punitive actions without discrimination or harassment based on prohibited grounds.
- 14.3.4. Use non-discriminatory terminology, address individuals by name and avoid the use of derogatory slang or offensive terms.
- 14.4. Coach or Staff / Athlete Sexual Relations:** Canada Snowboard takes the view that intimate sexual relationships between coaches or staff (paid or appointed) and adult athletes, while not against the law, can have harmful effects on the individual athlete involved, on other athletes and coaches and on Canada Snowboard's public image. Canada Snowboard therefore takes the position that such relationships are unacceptable for coaches coaching athletes representing the organization. Should a sexual relationship develop between an athlete and a coach, Canada Snowboard will investigate and take action which could include reassignment, or if this is not feasible, a request of the coach for resignation or dismissal from the position.
- 14.5. Confidentiality:** In all reported instances, a prompt, thorough, fair investigation will take place giving careful consideration to protect the rights and dignity of all people involved. Canada Snowboard may make no absolute guarantees of confidentiality. Circumstances in which information may be shared are when:
- 14.5.1. where required by law;
- 14.5.2. when it is felt to be necessary to protect others from harassment or discrimination;
- 14.5.3. when required to ensure fairness in the procedures contemplated by this policy;
- 14.5.4. protect the interests of Canada Snowboard.
- 14.6. Complaint procedure:** Any member who believes that he or she has been affected in violation of this policy should immediately report the matter to either their direct report if an employee, or the Executive Director, or Board member if the Executive Director is allegedly involved.
- 14.6.1.** Complaints or violations of this policy will be dealt with promptly and in as discreet a manner as possible, in accordance with the informal or formal procedure as outlined in Appendix "a".
- 14.6.2.** This policy shall not prevent a person in authority taking immediate, informal, corrective, disciplinary action in accordance with the Canada Snowboard Discipline and Complaints Policy.
- 14.6.3.** Notwithstanding this policy, every person who experiences harassment continues to have the right to seek assistance from the Canadian Human Right Commission and under the Criminal Code of Canada, even while steps are being taken under this policy.
- 14.7. Interim Measures:** Interim measures are not sanctions, and they may take many forms, including but not limited to:



- 14.7.1 The imposition of conditions upon the continued participation of the Respondent in the activities or work of Canada Snowboard, such as but not limited to:
  - i work activity limited to administrative duties
  - ii duties to be completed at home
  - iii working with different athletes
  - iv performing duties under direct supervision at all times
- 14.7.2. Suspension of the Respondent from participation in the activities or work of Canada Snowboard, with or without pay, or under such other terms as are seen to be appropriate.
- 14.7.3. Security arrangements

## **Appendix**

Appendix A – Complaint Procedure

Appendix B - Formal Hearing Guidelines

### **APPENDIX A Complaint Procedure**

The employer will treat complaints in the strictest confidence. On receipt of a harassment complaint:

#### 1..0

- 1.1. The person who thinks he or she has been subjected to conduct which constitutes discrimination, violence or harassment under this policy (the “Complainant”) is encouraged to make it known to the person responsible for the conduct (the “Respondent”) that the behaviour is unwelcome, offensive and contrary to this policy and also to make a direct request of to discontinue the offensive behaviour;
  - 1.1.1. Where necessary, the Director, or if the Director is allegedly involved, the Executive Director, should support the employee in confronting the alleged harasser.
- 1.2. If the request is unsuccessful in discontinuing the behaviour, or if it is considered inappropriate, not possible or uncomfortable to make such a request, the Director, should support the complainant in seeking further advice of Executive Director;
- 1.3. If the Complainant approaches someone other than the appointed Director that person shall inform the Director of the Complaint. The Complaint's 'person of trust' may continue to assist the Complainant throughout the complaint procedure.
- 1.4. At the initial meeting between the Complainant and the assigned Director, the Complainant will be informed of the following:
  - i The role of the assigned Director is a conduit between the Canada Snowboard Board of Directors and the Complainant. Information gathered about any complaint will be forwarded to the Board of Directors.
  - ii The option to pursue an informal resolution of the complaint, or
  - iii the right to lay a formal written complaint under this policy when an informal resolution is inappropriate or not feasible
  - iv The availability of counselling and other support.
  - v The confidentiality provision of this policy;
  - vi The right to be represented by a person of choice, including legal counsel, at any stage in the complaint process at the individual’s own expense;
  - vii Information gathered from alleged harassment complaints and those settled informally or formally will be filed at the National Office;
  - viii The right to withdraw from any further action in connection with the complaint at any stage (even though Canada Snowboard may continue to investigate the complaint)
- 1.5. The appointed Director acts as a neutral party. His / her role is to gather information and to liaise with the Board of Directors until the complaint is resolved, whether informally or through proceeding through formal steps outlined in this policy. This person may provide support to both the Complainant and the Respondent in order to facilitate a satisfactory resolution for both parties.
- 1.6. If the issue is not satisfactorily resolved informally nor is more, appropriately dealt with under another policy, the complainant should be asked to submit the complaint in writing to the Executive Director,



or where the Executive Director is involved, the Board, within seven days of the latest alleged occurrence; to begin formal complaint procedures of this policy.

- 1.6.1. Any person believing, he or she has been subjected to conduct counter to the healthy and safe work and sport environment as outlined by this policy has the right to file a complaint anonymously. This complaint must follow a formal procedure and be received in writing.
- 1.7. This policy shall not prevent a person in authority taking immediate, informal, corrective disciplinary action in response to behaviour that, in their view, constitutes a minor incident of discrimination or harassment.
- 1.8. The Executive Director, or if the Executive Director is allegedly involved, the Board should initiate an in-house investigation at once in all cases of harassment whether formally reported or discovered through some other means. The course of the investigation might involve outside authorities. The Respondent might be put on paid, or unpaid, leave until the investigation has been completed;
- 1.9. If the employer has determined that sexual harassment has occurred, severe disciplinary action, up to and including immediate dismissal, shall be taken. The decision to dismiss will be made by either the Executive Director, or the Board, as the case may be;
- 1.10. Where a complaint is determined to be frivolous, vindictive, or vexatious in nature, Canada Snowboard may take appropriate action up to and including dismissal of the complainant; and
- 1.11. The complainant's name or circumstances relating to the complaint will not be disclosed unless necessary for the purpose of the investigation or for taking appropriate disciplinary action. In addition to the procedure available under this policy, every member who experiences discrimination or harassment has the right to:
  - i file a complaint with the BC Human Rights Commission if the alleged behaviour falls within the definition of discrimination under the BC Human Rights Code;
  - ii file a complaint with the police and/or other appropriate authorities if the alleged behaviour constitutes criminal activity (i.e., abuse, stalking, etc.); and
  - iii pursue private proceedings in civil court.

## **2..0 Formal Procedure**

- 2.1. The appointed Director shall obtain from the Complainant a statement in writing outlining the details of the incident(s) and the names of any witnesses. The statement should be dated and signed by the Complainant. All complaints coming forward whether signed or not, will be investigated.
- 2.2. Documentation and Education
  - 2.2.1. All documentation of each formal complaint shall be kept in the National office. Some documents may provide education about the issues of discrimination and harassment and as such the Board of Directors may decide to share the information with affiliated organizations (partners, provincial and territorial snowboard associations).
  - 2.2.2. The record shall contain all relevant documentation, including but not limited to:
    - i Details of the reports(s) and/or copy of the complaint(s);
    - ii The response(s), if any;
    - iii The terms of reference of the investigator, if any;
    - iv The interim measures, if any;
    - v The investigation report, if any;
    - vi Any witness statements;
    - vii The terms of any informal resolution or written resolution agreement;
    - viii The Discipline Panel's determinations, if any;
    - ix The sanctions imposed, if any;
    - x All other correspondence;
    - xi Any appeal(s) filed;
    - xii Any material filed in an appeal; and any minutes