

02 ADMINISTRATION - Risk Management

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1. PURPOSE

As part of our ongoing commitment to provide a positive work environment, the Burlington Gymnastics Club Inc. is dedicated to supporting personal dignity and self-esteem. Every employee, volunteer, athlete and individual affiliated with the Burlington Gymnastics Club will be treated fairly and consistently in accordance with *the Canadian Human Rights Act* and the *Ontario Human Rights Code* concerning such behaviour. Acts of discrimination or harassment by any individual affiliated with the Burlington Gymnastics Club are considered inappropriate conduct and run counter to the Burlington Gymnastics Club philosophy and the laws of Ontario. Substantiated complaints will be subject to disciplinary action up to and including termination/dismissal.

2. SCOPE

This Policy applies to all Burlington Gymnastics Club athletes, coaches, officials, employees, managers, administrators, committee members, volunteers, participants, contractors, visitors, and any person working on behalf of the Burlington Gymnastics Club (collectively referred to as “*individuals*”).

This Policy and Procedure applies to all working hours in the workplace, and to any activities on or off the Burlington Gymnastics Club premises which could reasonably be considered to be associated with the Burlington Gymnastics Club (e.g. competitions, training, events, meetings, etc.).

Efforts to promote and maintain a safe and respectful workplace depend on all individuals affiliated with the Burlington Gymnastics Club to work as a team and in partnership with Burlington Gymnastics Club’s management and Board of Directors.

3. DEFINITIONS

a) HARASSMENT

Harassment is defined as comment or conduct directed towards an individual or group, which is offensive, abusive, racist, sexist, degrading, or malicious.

Types of behaviour that constitute harassment include, but are not limited to:

1. Written or verbal abuse, threats, or outbursts
2. Persistent unwelcome remarks, practical jokes, comments, innuendo, or taunts
3. Discrimination – unwelcome treatment of an individual based on personal appearance, race, citizenship, national or ethnic origin, colour, religion, age, sex,

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sexual orientation, gender identity or expression, marital status, family status, genetic characteristics or disability.

4. Abuse – mistreatment or neglect of a child or individual: physical, sexual, emotional, psychological
5. Leering or other suggestive or obscene gestures
6. Any form of hazing where hazing is defined as *“Any potentially humiliating, degrading, abusive, or dangerous activity expected of a junior-ranking athlete by a more senior teammate, which does not contribute to either athlete’s positive development, but is required to be accepted as part of a team, regardless of the junior-ranking athlete’s willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any teammate based on class, number of years on the team, or athletic ability.”*
7. Bullying or cyberbullying
8. Repeated offensive or intimidating phone calls or e-mails
9. Displaying or circulating offensive pictures, photographs or materials in printed or electronic form
10. Stalking
11. Dangerous conduct; threats of violence
12. Deliberately excluding or socially isolating a person from a group or team
13. Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing
14. Persistent sexual flirtations, advances, requests, or invitations
15. Physical or sexual assault
16. Behaviours such as those described above that are not directed towards a specific individual or group but have the same effect of creating a negative or hostile environment
17. Retaliation or threats of retaliation against a person who reports harassment or abuse

See *Canada’s Criminal Code* for further information

b) **WORKPLACE HARASSMENT**

Workplace harassment is defined as vexatious comment or conduct against a worker in a workplace – a comment or conduct that is known or ought reasonably to be known to be unwelcome, offensive or demeaning. Workplace refers to any place where business or work-related activities are conducted. Workplaces include but are not limited to, Burlington Gymnastics Club, work-related social functions, work assignments outside Burlington Gymnastics Club, work-related travel, and work-related conferences or training sessions.

Types of behaviour that constitute workplace harassment include, but are not limited to:

- i. Workplace pranks, vandalism, bullying or hazing
- ii. Repeated offensive or intimidating phone calls or emails

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- iii. Inappropriate sexual touching, advances, suggestions or requests
- iv. Displaying or circulating offensive pictures, photographs or materials in printed or electronic form
- v. Psychological abuse
- vi. Excluding or ignoring someone, including persistent exclusion of a particular person from work-related social gatherings
- vii. Deliberating withholding information that would enable a person to do his or her job, perform or train
- viii. Sabotaging someone else's work or performance
- ix. Gossiping or spreading malicious rumours
- x. Personal harassment

c) **WORKPLACE VIOLENCE**

Workplace violence is defined as the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker; or a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force that could cause physical injury.

Types of behaviour that constitute workplace violence include, but are not limited to:

- i. Verbal or written threats to attack a worker
- ii. Sending to or leaving threatening notes or emails for a worker
- iii. Physically threatening behaviour such as shaking a fist at someone, destroying property or throwing objects
- iv. Wielding a weapon in a workplace
- v. Hitting, pinching or unwanted touching which is not accidental
- vi. Dangerous or threatening horseplay
- vii. Physical restraint or confinement
- viii. Blatant or intentional disregard for the safety or wellbeing of others
- ix. Blocking normal movement or physical interference with or without the use of equipment
- x. Sexual violence

d) **SEXUAL HARASSMENT**

Sexual harassment is defined as unwelcome sexual comments and sexual advances, requests for sexual favours or conduct of a sexual nature.

Types of behaviour that constitute sexual harassment include, but are not limited to:

- i. Sexist jokes
- ii. Threats, punishment or denial of a benefit for refusing a sexual advance
- iii. Offering a benefit in exchange for a sexual favour
- iv. Demanding hugs
 - v. Bragging about sexual ability
- vi. Leering (persistent sexual staring)

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- vii. Sexual assault
- viii. Display of sexually offensive material
- ix. Distributing sexually explicit messages or attachments such as pictures or video files
 - x. Sexually degrading words used to describe an individual
 - xi. Unwelcome inquiries into or comments about an individual's gender identity or physical appearance
 - xii. Inquiries or comments about a person's sex life
 - xiii. Persistent unwanted attention after a consensual relation ends
 - xiv. Persistent unwanted sexual flirtations, advances or propositions
 - xv. Persistent unwanted contact

4. DISCIPLINE PROCEDURE

See the *Lines of Communication Policy* for situations involving a coach/staff and an athlete/parent.

For all violations and complaints, the following procedure applies.

- a) If you believe you are the subject of any type of harassment, discrimination or workplace violence or you witness an incident of harassment, discrimination or workplace violence; you must report it immediately to your Manager, Head Coach, Executive Director, Human Resources Committee or Chair of the Board of Directors.
- b) Only in cases where you do not feel threatened and you feel you can tell the harasser that his or her actions or words are not welcome; use phrases such as:
 - a. "I don't want you to do that."
 - b. "Stop bothering me."
 - c. "I do not find that funny."
 - d. "That conduct (language) offends me."
 - e. "No"
- c) Sometimes it is not possible, or you may be afraid, to tell the person to stop. The Burlington Gymnastics Club and the *Human Rights Commission* of Ontario would not interpret your silence as proof that the harassment did not happen.
- d) If you (a gymnast or coach) cannot approach the individual yourself (for any reason), or if there is a further incident after you have requested the individual to stop the offensive behaviour, immediately contact your coach/manager. You should provide a written record of all incidents. In your statement, include the nature of the behaviour, dates, times, witnesses (if applicable), and the action, if any, that you took to communicate your objections to the alleged harasser.

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- e) If you are unsuccessful in resolution, or if there is a further incident after you and your manager/coach have requested the individual to stop the offensive behaviour, your manager/coach will immediately contact the Executive Director. You will be asked to provide the Executive Director with the written record of all incidents.
- f) If the alleged harasser is your coach/manager, go directly to the Executive Director and he/she will advise on next steps.
- g) All violations and complaints are reported to the Executive Director who will investigate and render a decision as soon as is reasonably possible.
- h) In some situations, it may be necessary for the Executive Director (with approval from the Board of Directors) to engage an objective committee and/or external legal advice to do an investigation. (Refer to #5 INVESTIGATION PROCEDURE below).
- i) The committee or investigator will submit a report to the Executive Director.
- j) The Executive Director will report the decision, when made, to the Board of Directors.
- k) The Board of Directors must approve all decisions related to termination of membership/employment.
- l) If the issue cannot be resolved, the issue can be referred to an external source for resolution (police, courts).
- m) At the appropriate time, the Executive Director will advise all of the involved parties of the action to be taken and will submit a written report to the Human Resources Committee.
- n) If the alleged harasser is the Executive Director, go directly to Human Resources Committee and they will advise on next steps.
- o) All harassment complaints must be investigated pursuant to this policy.
- p) All Criminal Code Violations and serious Harassment Violations must be reported to Gymnastics Ontario. See Gymnastics Ontario *Discipline and Complaints Policy*.
- q) Implementation of this procedure does not prohibit individuals from reporting workplace harassment to the Ministry of Labour.

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5. INVESTIGATION PROCEDURE

In all cases, the investigation procedure should be completed within a reasonable timeframe.

- a) As soon as is reasonably possible after receiving a complaint, the immediate manager or Executive Director will meet with the individual who raised the complaint (the “Complainant”) to obtain details of the allegation including the names of any witnesses, etc. If the allegation appears to pose an immediate threat to the Complainant (i.e. workplace violence), immediate action by the manager and/or Executive Director must be taken. Specific details should form part of the discussion and notes must be taken during this meeting. This will result in a signed *Complainant Statement*. Refer to Appendix A.
- b) Following the above meeting with the Complainant, every effort will be made to schedule a meeting as soon as possible with the alleged perpetrator (the “Respondent”). The Respondent will be presumed innocent until the allegation can be substantiated. This meeting will result in a *Respondent Statement*. This statement should be signed by the Respondent where possible. Refer to Appendix B.
- c) As appropriate, the Executive Director in consultation with the respective manager(s)/coach(s) will determine if interviews with witnesses identified by either the Complainant or the Respondent are warranted. If interviews occur, each witness will be asked to provide a signed *Witness Statement* detailing what they saw/heard/know about the allegation. Refer to Appendix C.
- d) As needed, the Executive Director may seek approval from the Board of Directors to engage an objective committee or legal advice in order to carry out an investigation prior to the presentation of findings to both the Complainant and the Respondent.
- e) It is the responsibility of the Executive Director to keep the Complainant and Respondent apprised of expected timelines to complete the investigation and present findings. In all situations, the Executive Director must ensure timelines are reasonable based on the complexity of the allegation, investigation process and findings.
- f) The Executive Director will prepare a confidential summary of findings which will include: details of the complaint, the response taken, any relevant witness information and a recommendation.
- g) The Executive Director will seek approval from the Board of Directors should the disciplinary action lead to termination of employment/membership as a result of the investigation/findings.
- h) If the issue cannot be resolved, the issue can be referred to an external source for

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resolution (police, courts).

- i) The Executive Director will present the findings of the investigation in writing to both the Complainant and the Respondent in separate meetings attended by their respective managers.
- j) Based on the findings of the investigation, appropriate action(s) will be taken.
 - i) For substantiated claims, the Respondent will be subject to disciplinary action up to and including termination of employment, termination of volunteer status, expulsion and/or legal action.
 - ii) The complaint was made in good faith but the allegation is not substantiated. This means that, while the Complainant genuinely had reason to believe that there was a threat of harassment, the investigation did not bear out the complaint due to lack of evidence. No action will be taken against the Respondent. However, both the Complainant and the Respondent will be required to read and sign a copy of the *Workplace Harassment Policy*, to ensure their understanding and future compliance with this policy. The Respective managers may be involved in implementing measures to foster a positive workplace environment.
 - iii) The complaint is found to be deliberately false and malicious. Appropriate disciplinary action will be taken against the Complainant.

6. CONFIDENTIALITY

In handling the complaint, Burlington Gymnastics Club will make every effort to protect the identity of the Complainant and the Respondent except where necessary for purposes of investigation or disciplinary action.

Employees are reminded that the Burlington Gymnastics Club *Declaration of Confidentiality Policy* is in effect (see ADMINISTRATION: Agreements).

7. RESPONSIBILITY

It is the responsibility of all Burlington Gymnastics Club employees, volunteers, athletes, participants, contractors, visitors and any person working on behalf of Burlington Gymnastics Club to support and to comply with this policy.

Managers, the Executive Director and any Officer of the Burlington Gymnastics Club have a legal obligation to provide a workplace free of harassment. If a Manager, the Executive Director and/or any Officer of the Burlington Gymnastics Club hears about an allegation (or witnesses) a situation that could constitute Harassment, Discrimination or Workplace Violence, he/she has a duty to take appropriate action to investigate as appropriate. Failure to take appropriate action may result in disciplinary action.

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- i) **Executive Director** is responsible for:
 - a) Being aware of, understanding and complying with this policy
 - b) Educating members of the Programs Operations Committee on this policy
 - c) Implementing this policy and annually reviewing this policy with the Programs Operations Committee
 - d) Leading the investigation of any witnessed or alleged breach of this policy
 - e) Seeking legal advice, as appropriate
 - f) Carrying out any disciplinary action after receiving appropriate direction/approvals
 - g) Ensuring proper documentation of any incident under this policy is complete and retained.

- ii) **Managers** are responsible for:
 - a) Being aware of, understanding and complying with this policy
 - b) Communicating the policy to their respective staff/volunteers
 - c) Investigating cases of harassment which come to their attention and/or reporting them to the Executive Director, as appropriate
 - d) Documenting details of any incident under this policy and providing a copy to the Executive Director
 - e) Cooperating with any investigations and being forthcoming with information which may be pertinent.

- iii) **Employees, Volunteers, Participants, Contractors, Visitors, any person working behalf of Burlington Gymnastics Club** are responsible for:
 - a) Being aware of, understanding and complying with this policy
 - b) Reporting instances of harassment of which they become aware
 - c) Cooperating with any investigations and being forthcoming with information which may be pertinent.

8. POSSIBLE PENALTIES

Following a complete investigation, penalties (as included but not limited to the list) will be imposed for infractions where fault has been determined.

- a) verbal or written reprimand
- b) verbal or written apology
- c) removal of certain privileges
- d) compensation to any parties affected by injury or damage caused to individuals or property due to improper behaviour or vandalism
- e) withdrawal from program, event, activity or position
- f) temporary or permanent suspension from future programs or activities
- g) suspension from the Burlington Gymnastics Club
- h) any other penalty considered appropriate for the offence

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APPENDIX A

COMPLAINANT STATEMENT (to be completed by the Complainant)			
Complainant's Name			
Date of this Report		Time of this Report	
Individuals Present during this Statement			

Date & Time of alleged Harassment/Workplace Violence	
Location of alleged Harassment/Workplace Violence	
Alleged Perpetrator	

Detailed description of the alleged Harassment/Workplace Violence

-

I certify the statements made in this *Complainant Statement* are true to the best of my recollection.

Signature

Date

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APPENDIX B

RESPONDENT STATEMENT (to be completed by the Respondent)			
Respondent's Name			
Date of this Report		Time of this Report	
Individuals Present during this Statement			

Date & Time of alleged Harassment/Workplace Violence made by the Complainant	
Location of alleged Harassment/Workplace Violence as indicated by the Complainant	

Respondent's Statement

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I certify that I have been made aware of the allegations made against me by the Complainant and the statements made in this Respondent Statement are true to the best of my recollection.

Signature

Date

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APPENDIX C

WITNESS STATEMENT (to be completed by the Witness)			
Witness Name			
Date of this Report		Time of this Report	
Individuals Present during this Statement			

Complainant	
Alleged Respondent	
Date & Time of alleged Harassment/Workplace Violence made by the Complainant	
Location of alleged Harassment/Workplace Violence as indicated by the Complainant	

Witness Statement

•

I certify that the statements made in this *Witness Statement* are true to the best of my recollection and will be used as part of the investigation into the allegation(s) made by the Complainant. I agree to keep this allegation and my witness statement confidential in accordance with the Burlington Gymnastics Club’s policy on privacy and confidentiality.

Signature Date