

# Policies & Procedures Manual



January 19, 2022 (amended June 2022)

## 6.0 Harassment & Violence in the Workplace

### 6.1 POLICY STATEMENT

All PacificSport Vancouver Island (PSVI) staff members, volunteers, contractors, students, interns and visitors are entitled to be treated with respect and dignity, free from harassment based on the protected grounds of race, colour, national or ethnic origin, gender, gender identity, religion, age, marital or family status, sexual orientation, disability, or any other ground prescribed by any law that applies to PSVI.

### 6.2 APPLICATION

The conduct and language of employees in the workplace must meet acceptable social standards and must contribute to a positive work environment. An employee's conduct must not compromise the integrity of PacificSport Vancouver Island.

All employees have the right to expect, and the responsibility to create, a workplace where all employees are safe. Violence in the work place is unacceptable and will not be tolerated. 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. Types of behaviour that constitute **workplace violence** include, but are not limited to:

- Verbal threats to attack a worker/volunteer;
- Sending to or leaving threatening notes or emails for a worker/volunteer; Making threatening physical gestures to a worker/volunteer;
- Wielding a weapon in a workplace;
- Hitting, pinching or unwanted touching of a worker/volunteer which is not accidental;
- Throwing an object at a worker/volunteer;
- Blocking normal movement or physical interference of a worker/volunteer, with or without the use of equipment;
- Sexual violence against a worker/volunteer; and
- Any attempt to engage in the type of conduct outlined above.

Employees must report any incident of violence directed towards themselves or their co-workers. Any employee hearing a threat, including a threat to a co-worker/volunteer, 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.

Harassment in the work environment creates an intimidating and offensive climate. It can damage an individual's health and self-worth, undermine his or her performance, and negatively affect the working and learning environment. PSVI is committed to meeting its obligation to maintain and support a work environment that is respectful and free of harassment of any nature.

According to [Part II of the Canada Labour Code \(the Code\)](#), harassment and violence means “any action, conduct or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee, including any prescribed action, conduct or comment.” Types of behaviour that constitute **workplace harassment** include, but are not limited to:

- Written or verbal abuse or threats;
- Abuse of authority which undermines performance or threatens an employee’s career;
- Patronizing or condescending behavior;
- Differential treatment based on race, gender, ethnicity, etc.;
- Racist or sexist humour; racial or ethnic slurs;
- A poisoned work environment where inappropriate conduct is part of the culture of the organization;
- Bullying;
- Repeated offensive or intimidating phone calls or emails;
- Inappropriate sexual touching, advances, suggestions or requests;
- Displaying or circulating offensive pictures, photographs or materials in printed or electronic form;
- Intimidating words or conduct (offensive jokes or innuendos);
- Words or actions which are known or should reasonably be known to be offensive, embarrassing, humiliating, or demeaning.

**Sexual harassment** is defined by the British Columbia Human Rights Code as follows: Sexual harassment is a form of discrimination and is defined as any unwelcome comment or conduct of a sexual nature that may detrimentally affect the work environment or lead to adverse job-related consequences for the victim of the harassment. Examples of sexual harassment include, but are not limited to:

- A person in authority asking an employee for sexual favours in return for being hired or receiving promotions or other employment benefits;
- Sexual advances with actual or implied work-related consequences;
- Unwelcome remarks, questions, jokes or innuendo of a sexual nature including sexist comments or sexual invitations;
- Verbal abuse, intimidation or threats of a sexual nature;
- Leering, staring or making sexual gestures;
- Display of pornographic or other sexual materials;
- Offensive pictures, graffiti, cartoons or sayings;
- Unwanted physical contact such as touching, patting, pinching or hugging; and
- Physical assault of a sexual nature.

The definition of sexual harassment is not meant to inhibit interactions or relationships based on mutual consent or normal social contact between employees/volunteers.

## 6.0 PROCEDURE

If an individual feels he or she is being subjected to harassment or abuse, he or she should:

- If possible, make the objection clearly known to the offender and ask him or her to stop; and
- If, after a discussion with the offender, an apology is received and the issue resolved, no further steps need to be taken.

If an individual observes another individual being subjected to harassment or abuse, he or she should:

- Encourage the other individual to follow the steps detailed above, or
- At the request of the other individual, jointly report the observed behavior to the Executive Director.

If the issue is still unresolved after a discussion, or if the complainant does not feel comfortable speaking directly to the offender, the following steps should be undertaken:

- Prepare and maintain a written record of the dates, times, nature of the behavior and any witnesses; and

Report the behavior to the Executive Director.

Once alleged harassment has been reported and behaviour change requested, if the individual persists in the behaviour, the formal complaint process will be implemented. To clarify, in the event of an unresolved or persistent complaint of general or sexual harassment, PSVI will follow this procedure to deal with the complaint:

- If the complainant has not been able to rectify the situation, a report should be made to the Executive Director and/or the Board Chairperson in the event that the Executive Director is the alleged harasser. In either of the above cases, it is the responsibility of the person to whom the individual reports the complaint to attempt to resolve the problem and to communicate further with him or her about action taken.
- If the matter is not resolved to the satisfaction of the complainant, he or she should file a formal, written complaint with the Executive Director, or, if Executive Director is the alleged offender, with the Chairperson of the Board. The alleged offender will receive a copy of the complaint. The Executive Director /Chairperson of the Board will investigate as quickly as possible, and will attempt to resolve the problem within 30 calendar days of the investigation's completion
- The investigation will involve a communication process (written or by meeting) with the complainant, the alleged harasser and witnesses, if any, identified by both parties. The investigator will document the information provided in these meetings and will prepare a final report of the findings. All parties will be provided with a copy of the report of the investigation. All parties to the complaint must keep the matter confidential as well as all deliberations, investigation matters, proceedings or record of proceedings.

- The Executive Director, or if the Executive Director is allegedly involved, the Board Chairperson 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 harasser might be put on paid, or unpaid, leave until the investigation has been completed;
- In cases where anyone other than the Executive Director is the alleged harasser, any hearing will be chaired by the Executive Director or by the Chairperson of the Board. If needed, all parties will meet via teleconference call as soon as possible. Both parties will be given an opportunity to state their case. Either party may have an individual from PSVI to provide support throughout the entire complaint process or any portion of it.
- 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 Chairperson, as the case may be;
- Where a complaint is determined to be frivolous, vindictive, or vexatious nature, the employer may take appropriate action up to and including dismissal of the complainant; and
- 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.

It should be noted that a complainant is free, at any point, to pursue his or her complaint

- with the BC Human Rights Commission if the alleged behavior falls within the definition of discrimination under the BC Human Rights Code;
- with the police and/or other appropriate authorities if the alleged behavior constitutes criminal activity (i.e., abuse, stalking, etc.); and
- in private proceedings in civil court.

Under the Human Rights Code, the complainant shall not be penalized, either directly or indirectly, and no form of reprisal will be tolerated against an individual who files a complaint or participates in this complaint procedure in good faith.

### 6.3.1 PacificSport VI Action

PSVI maintains a respectful workplace. PSVI will therefore not tolerate personal harassment by any of its employees, volunteers, contractors or visitors. It is PSVI's policy to provide a respectful environment that is free from discrimination and harassment and is in support of personal goals, dignity and self-esteem.

Senior Management is expected to act against harassment even without a formal complaint, and staff members are expected to express their disapproval if they encounter harassing behaviour. Any staff member

guilty of harassment will be subject to discipline at PSVI's discretion.

PSVI is reinforcing its commitment to the Canadian Coaching Association's Responsible Coaching Movement Pledge (#AbuseFreeSport), an initiative that it signed onto is anchored on four cornerstone actions:

1. Online training as to rights, responsibilities, obligations and awareness for athletes, coaches, professional service providers and management;
2. Development, adoption and adherence of Policies and Procedures to prevent all forms of abuse;
3. An independent avenue for parties to raise concerns and incident management when issues arise; and
4. The Rule of Two: Appropriately ensuring that young athletes are not left on their own with coach, staff or other personnel for extended durations.

In addition, background screening is conducted (all staff complete a background check, including a criminal record check and reference checks, upon hire).

It should be noted that, whereas some behaviour may be offensive, inappropriate, unwanted, or a misuse of authority, it may not be considered harassment under the law. This does not, however, make it acceptable at PSVI.