

HARASSMENT POLICY

Preamble

Discrimination and Harassment Policy

Ontario Bobsleigh Skeleton Association (OBSA) is committed to creating and maintaining a sport and work environment in which all individuals are treated with respect and dignity. Each individual has the right to participate and work in an environment that promotes equal opportunities and prohibits discriminatory practices.

Aim

OBSA is committed to providing an environment free of discrimination and harassment on the basis of race, nationality or ethnic origin, colour, religion, sex, sexual orientation, marital status, family status or disability.

General Policy

In keeping with this policy, OBSA encourages the reporting of all incidents of harassment regardless of who the harasser may be and is committed to a process that is widely published in the bobsleigh/ skeleton community, available to all participants and easy to follow and implement.

Notwithstanding this policy, any person who experiences harassment continues to have the right to seek assistance from the provincial human rights commission.

Participants: This policy applies to all persons engaged in any volunteer or paid capacity with the Association or otherwise under the jurisdiction of the Association. Participants include athletes, coaches, support personnel, officials, employees, directors, members and volunteers.

Person in Authority: A person in authority is any OBSA participant in a position of authority over, or trusted by a person who may be experiencing discrimination or harassment, and can include such persons as team leaders, coaches, trainers, medical or paramedical personnel, volunteers and supervisors.

Discrimination: Any distinction, whether intentional or not but based on prohibited grounds, which has the effect of imposing burdens, obligations or disadvantages on an individual that are not imposed on others or has the effect of withholding or limiting access to opportunities, benefits and advantages to others.

Harassment: Harassment is a form of discrimination. Harassment is prohibited by the Canadian Charter of Rights and Freedoms and by human rights legislation in every province and territory of Canada. In its more extreme forms, harassment, in particular sexual harassment can be an offence under Canada's Criminal Code,

Definitions of Harassment

Harassment is improper behaviour related to one or more prohibited grounds that are offensive and which the person knew or ought to reasonably have known would be inappropriate or unwelcome. The behaviour can be verbal or physical and can occur on a one-time repeated or continuous basis. The person does not have to intend to harass for the behaviour to be harassment.

Harassment can take many forms but generally involves conduct, comment or display that is insulting, intimidating, humiliating, hurtful, demeaning, belittling, malicious, degrading or otherwise cause offence, discomfort or personal humiliation or embarrassment to a person or a group of persons.

Examples of harassment include:

1. Hostile verbal and non-verbal communications;

2. Unwelcome remarks, jokes, innuendo or teasing linked to a prohibited grounds such as a person's looks, body, attire, race, age, religion, sex or sexual orientation;
3. Condescending, paternalistic or patronizing behaviour linked to prohibited grounds of discrimination which undermines self-esteem, diminishes performance or adversely affects working conditions;
4. Practical jokes that cause awkwardness or embarrassment, endanger a person's safety or negatively affects performance;
5. Any form of hazing;
6. Use of terminology that reinforces stereotypes based on prohibited grounds of discrimination
7. Acts of retaliation designed to punish an individual who has reported discrimination or harassment;
8. Threats of retaliation designed to dissuade an individual from reporting discrimination or harassment;
9. Racial or ethnic slurs.

Discipline in training is an indispensable part of high performance sport and should not be confused with discrimination or harassment. However it is of vital importance that those in authority:

1. Set and communicate non-discriminatory performance standards, selection criteria, rules and regulations to all participants;
2. Be consistent in corrective or punitive action without discrimination or harassment based on prohibitive grounds;
3. Use non-discriminatory terminology;
4. Address individuals by names and avoid the use of derogatory slang or offensive terms.

In this policy sexual harassment means unwelcome sexual remarks or advances, requests for sexual favours or other verbal or physical conduct of a sexual nature when:

1. Submitting to or rejecting the conduct is used as the basis for making decisions which affect the individual;
2. Refusal to comply with a sexual-oriented request results in actual denial of an opportunity, or an expressed or implied threat of denial of opportunity for such refusal;
3. Such conduct has the purpose or effect of interfering with an individual's performance;
4. Such conduct creates an intimidating, hostile or offensive environment.

Sexual harassment may occur in the form of such conduct by males toward females, between males, between females or by females towards males. Some examples of behaviour which may be sexual harassment include:

1. Sexually degrading words to describe a person;
2. Criminal conduct such as stalking and physical or sexual assault or abuse;
3. The display of visual material which is offensive;
4. Unwelcome sexual flirtations, sexual remarks, advances, requests or invitations whether direct or explicit;
5. Unwanted inquiries or comments about an individual's sex life or sexual orientation;
6. Derogatory or degrading remarks about a person's sexuality or sexual orientation.

Responsibilities of the People in Charge

Prevention and intervention are key to achieving a sport and work environment free of discrimination and harassment. OBSA must represent a positive role model. OBSA participants should:

- a) Communicate OBSA's objective to create and maintain a sport and work environment free of harassment and discrimination and with a view to discouraging harassment;

b) Exercise good judgment and initiate appropriate action under this policy, if they become aware that discrimination or harassment may have occurred;

c) Follow-up consultation with OBSA management if discrimination or harassment is suspected or rumoured, appreciating that individuals who experience discrimination or harassment are often reluctant to report it.

The Executive, Board Members, the Managing Director are expected to contribute positively to the development of an environment in which harassment does not occur.

The Executive Committee is responsible for:

Ensuring that investigation of formal complaints of harassment is conducted in a sensitive, responsible and timely manner;

- a. Imposing appropriate disciplinary or corrective measures when a complaint of harassment has been substantiated, regardless of the position or authority of the offender;
- b. Supporting and assisting any employee or member of the BCS who experiences harassment by someone who is not an employee or member of the BCS;
- c. Ensuring that this policy is posted on the web-site and the information is contained in a Handbook;
- d. Appointing case review panels and appeal bodies and providing the resources and support they need to fulfill their responsibilities under this policy;
- e. Maintaining records as required under this policy.

Coach/ Athlete Sexual Relations

OBSA takes the view that intimate sexual relations between coaches and adult athletes, while not against the law, can have harmful effects on the individual athlete involved, on other athletes and coaches and on OBSA's public image.

OBSA therefore takes the position that such relationships are unacceptable for coaches coaching or assisting in any way with an OBSA Development Team. Should a sexual relationship develop between an athlete and a coach, OBSA will investigate, in accordance with this policy and take action, where appropriate which could include reassignment or if this is not feasible or appropriate, a request for resignation or dismissal from employment.

Disciplinary Action

Employees, members, volunteers or registrants of OBSA against whom a complaint of harassment is substantiated may be subject to discipline, according to the severity of the substantiated conduct, up to and including dismissal from employment, termination of membership or registration or a life time suspension from all bobsleigh/ skeleton activities depending on the nature of the conduct.

Confidentiality

OBSA understands that it can be extremely difficult to come forward with a complaint of harassment and that it can be devastating to be wrongly accused of harassment. OBSA recognizes the interests of both the complainant and the respondent and, to the extent practicable and appropriate under the circumstances will maintain confidentiality through the process. However, if required by law to disclose information, OBSA will do so.

Complaint Procedures

For the purpose of this section of the policy a person who experiences discrimination or harassment is referred to as the "**complainant**" even where no formal complaint is filed.