



WORKPLACE ANTI-HARASSMENT AND ANTI-VIOLENCE

Policy Statement

North Bay Ski Racing Club (NBSRC) is committed to ensuring a workplace free of harassment, violence, bullying, and discrimination. In pursuit of this, NBSRC will not tolerate any harassment, violence, bullying, or discrimination within the workplace by any persons (including other employees, supervisors, directors of the board, parents, athletes, members of the public etc). NBSRC is further committed to investigating any complaints regarding workplace harassment, bullying, and/or discrimination, using the method of progressive discipline, up to and including the point of termination of employment for the perpetrator(s).

Canada's Criminal Code specifically lays out matters such as violent acts, sexual assault, threats, and behaviours such as stalking. In the event of any of the above, NBSRC will immediately contact the police.

Definitions

Harassment is defined by the Ontario Occupational Health and Safety Act as "engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome."

Workplace sexual harassment means:

- engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Workplace harassment does not include reasonable actions taken by an employer or supervisor relating to the management or direction of workers in the workplace.

Note that this Anti-Harassment Policy is administered in conjunction with NBSRC's Human Rights Policy which includes freedom from discrimination under any of the grounds established by the Ontario Human Rights Code, including race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex (including pregnancy), sexual orientation, gender identity, gender expression, age (18 and over), marital status (including same sex partners), family status, disability, and record of offences.

Common harassing behaviours can include (but are not limited to):

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- Rumour spreading;
- Jokes about sex;
- Email chains with jokes about specific individuals;
- Excluding individuals from work-related activities;
- Reviewing work unfairly or trivial fault-finding; and
- Belittling behaviour or comments.

Harassment can either occur over a period of time, or in a specific instance, depending on the specific situation.

Workplace violence Workplace violence is defined in the OHS Act 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,
- an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker [subsection 1(1)].

NBSRC has a zero tolerance to violence and all employees are required to report episodes of violence to the Board of Directors. If workplace violence is imminent or has occurred employees should call 911 for police assistance. Episodes of workplace violence will be investigated in a similar manner as workplace harassment, but the final report following the investigation will be available to all employees. Employees have the right to refuse work at any time that he or she has reason to believe that workplace violence is likely to endanger himself or herself.

Complaint Procedure

NBSRC encourages any of its employees who witness or who are victim to harassment, bullying, or discrimination to bring forward the information as soon as possible so that an investigation may immediately commence.

1. Reporting workplace harassment

a. *How to report workplace harassment*

Workers can report incidents or complaints of workplace harassment verbally or in writing. When submitting a written complaint, please use the workplace harassment complaint form (see attached). When reporting verbally, the reporting contact, along with the worker complaining of harassment, will fill out the complaint form.

The report of the incident should include the following information:

- i. Name(s) of the worker who has allegedly experienced workplace harassment and contact information
- ii. Name of the alleged harasser(s), position and contact information (if known)

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- iii. Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known)
- iv. Details of what happened including date(s), frequency and location(s) of the alleged incident(s)
- v. Any supporting documents the worker who complains of harassment may have in his/her possession that are relevant to the complaint.
- vi. List any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint.

b. Who to report workplace harassment to

An incident or a complaint of workplace harassment should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.

Complaints regarding harassment, bullying, or discrimination may be brought forward to a supervising coach or any of the Board of Directors.

All incidents or complaints of workplace harassment shall be kept confidential except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

2. Investigation

a. Commitment to investigate

NBSRC will ensure that an investigation appropriate in the circumstances is conducted once the Board of Directors or Supervising Coach becomes aware of an incident or complaint.

b. Who will investigate

The report of harassment must be brought forward to the Board of Directors, if any of the Directors are named as a witness, the alleged harasser or has an obvious conflict of interest, they will not be included in the notification of the incident or complaint. The Board of Directors will designate one unbiased member who will conduct the investigation into the incident or complaint of workplace harassment.

c. Timing of the investigation

The investigation must be completed in a timely manner and generally within 90 days or less unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation.

d. Investigation process

The person conducting the investigation whether internal or external to the workplace will, at minimum, complete the following:

- i. The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The

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- investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
- ii. The investigator must thoroughly interview the worker who allegedly experienced the workplace harassment and the alleged harasser(s), if the alleged harasser is a worker of the employer. If the alleged harasser is not a worker, the investigator should make reasonable efforts to interview the alleged harasser.
 - iii. The alleged harasser(s) must be given the opportunity to respond to the specific allegations raised by the worker. In some circumstances, the worker who allegedly experienced workplace harassment should be given a reasonable opportunity to reply.
 - iv. The investigator must interview any relevant witnesses employed by the employer who may be identified by either the worker who allegedly experienced the workplace harassment, the alleged harasser(s) or as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by the employer if there are any identified.
 - v. The investigator must collect and review any relevant documents.
 - vi. The investigator must take appropriate notes and statements during interviews with the worker who allegedly experienced workplace harassment, the alleged harasser and any witnesses.
 - vii. The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the worker who allegedly experienced the workplace harassment, the response from the alleged harasser, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether workplace harassment was found or not.

e. Results of the investigation

After the investigation has been completed, the investigator will share all findings with the Board of Directors, excluding the same members as previous. Within 10 days of the investigation being completed, the worker who allegedly experienced the workplace harassment and the alleged harasser, if he or she is a worker of the employer or a member of the corporation, will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by the Board of Directors to address workplace harassment.

f. Confidentiality

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is on-going, the worker who has allegedly experienced harassment, the alleged harasser(s) and any witnesses should not discuss the incident or complaint or the investigation with each other or other workers or witnesses unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

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All records of the investigation will be kept confidential.

g. Handling Complaints

NBSRC must set out any interim measures that may be taken after the complaint is received and during the investigation. The Board of Directors must also set out how they might deal with the complaint of harassment if harassment is found. This may include discipline up to and including termination or loss of membership.

3. Record Keeping

The Board of Directors will keep records of the investigation including:

- a copy of the complaint or details about the incident;
- a record of the investigation including notes;
- a copy of the investigation report (if any);
- a summary of the results of the investigation that was provided to the worker who allegedly experienced the workplace harassment and the alleged harasser, if a worker of the employer;
- a copy of any corrective action taken to address the complaint or incident of workplace harassment.

All records of the investigation will be kept confidential. The investigation documents, including this report should not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise as required by law.

Records will be kept on file for 1 year following the conclusion of the incident.

This policy will be reviewed annually.

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Workplace Harassment Complaint Form

1. Name and contact information of worker who has allegedly experienced workplace harassment:

Name:

Position:

Phone Number:

2. Name of alleged harasser(s) and contact information, if available:

Name:

Position:

Phone Number:

3. Details of the complaint

a. Names of parties involved:

b. Name of witnesses:

c. Location:

d. Date and time of incident:

e. Details of the incident:

4. Relevant documents/evidence

Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted. If you are not able to attach documents and they are relevant to your complaint, please list the documents below. If someone else has relevant documents, please note that below.

Signature:

Date:

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Harassment Investigation Template

Name of investigator:

Date of investigation:

Name of person who reported workplace harassment:

Date of complaint:

Names of all people involved in complaint (witnesses and accused harasser(s)):

Investigation Plan: Plan and conduct the investigation (Attach more pages if necessary):

1. Obtain the worker(s) concerns of harassment in writing, if possible. Assistance should be provided in completing the form where necessary.
2. An investigator needs to interview the worker who allegedly experienced workplace harassment and the alleged harasser (if a worker of the employer). If the alleged harasser is not a worker of the employer, the investigator should make reasonable efforts to interview him or her.
3. Make a list of possible relevant witnesses. The worker who allegedly experienced workplace harassment and the alleged harasser should be asked for names of any relevant witnesses.
4. Interview relevant witnesses. Ask specific questions about what they have observed, are aware of or have personally experienced. If the witnesses are not workers of the employer, the investigator should make reasonable efforts to interview those witnesses.
5. Collect and review relevant documents from the worker, alleged harasser, witnesses and the employer.
6. Take detailed notes.
7. Keep the investigation confidential. Instruct the worker who allegedly experienced workplace harassment, the alleged harasser and witnesses not to talk to others about the investigation unless it is necessary, for instance, to obtain advice or counselling.

Allegations:

Alleged harasser(s) response:

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**North Bay Ski Racing Club
Employee Policies**

**No: NBSRC-EP-001_A
Workplace Anti-Harassment**

Relevant witness interviews:

Collected documents:

Investigation results: (The investigator's summary report should set out who was interviewed, what evidence was obtained and an analysis of the evidence to determine whether workplace harassment occurred)

Recommended next steps:

Report provided to:

Signature:

Date:

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