

## RESPECT IN THE WORKPLACE POLICY

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### **PURPOSE**

AthletesCAN is committed to providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the organization. It is AthletesCAN's goal to provide a healthy, safe work environment that is free of abuse, discrimination, harassment, violence or the threat of violence. All employees and related parties have a right to work in a safe atmosphere, which promotes equal opportunities and prohibits discriminatory practices.

### **SCOPE OF POLICY**

This Respect in the Workplace Policy (the "Policy") applies to all AthletesCAN employees, temporary employees, contractors, interns, volunteers, the Board of Directors, suppliers, customers and any other related parties who may engage with AthletesCAN from time to time ("Workplace Parties"). This Policy applies not only during working hours, but also to any work-related settings on or off of AthletesCAN premises, which could reasonably be associated with the workplace, such as work-related functions, social events, travel, or external work assignments.

### **DISCRIMINATION**

AthletesCAN prohibits discrimination on the basis of race, ancestry, colour, ethnic origin or place of origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences (for which a pardon has been granted), disability, marital or family status, or any other prohibited ground under the Ontario *Human Rights Code* ("Prohibited Grounds").

All employment-related decisions, including decisions relating to recruitment, remuneration and benefits, promotion, training and personal development will be made in a manner that is free from discrimination based on any of the Prohibited Grounds.

### **HARASSMENT**

AthletesCAN also prohibits all forms of harassment, including sexual harassment. The law does not permit, nor will AthletesCAN tolerate, harassing behaviour by Workplace Parties toward any other Workplace Parties.

"Workplace harassment" shall mean comment(s) or conduct directed against a worker in a workplace, which is offensive, abusive, racist, sexist, degrading or malicious.

Harassment includes unwelcome verbal, electronic, visual or physical contact that denigrates or shows hostility towards an individual, which has the purpose or effect of violating the recipient's dignity, or creating an intimidating, hostile or humiliating

work environment for the recipient. Such conduct may or may not be related to any Prohibited Grounds.

Examples of workplace harassment include, but are not limited to the following behaviours, which may or may not be related to any Prohibited Grounds:

- i. Displaying or disseminating images, cartoons or jokes that include derogatory content;
- ii. Personal insults;
- iii. Invading personal territory;
- iv. Uninvited physical contact;
- v. Threats or intimidation (verbal or non-verbal);
- vi. Sarcastic jokes and teasing;
- vii. Public shaming;
- viii. Treating people as invisible;
- ix. Singling a person out in a negative manner;
- x. Bullying; or
- xi. Cyber-bullying.

“Cyber-bullying” refers to bullying that occurs through the use of a computer, cell phone, smartphone, tablet, pager or other device that transmits electronic information, regardless of whether the device is owned by or located at AthletesCAN premises or connected to the AthletesCAN network. Cyber-bullying is also prohibited.

Workplace harassment does not, however, include properly discharged supervisory and management responsibilities including, for example, disciplinary action, or management of performance and/or attendance.

## **SEXUAL HARASSMENT**

Sexual harassment is also strictly prohibited.

“Workplace sexual harassment”, means:

- i. 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
- ii. 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.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, gestures, remarks, requests, displaying sexually offensive pictures and other verbal or physical conduct of a sexual nature.

## **WORKPLACE VIOLENCE**

AthletesCAN will take all appropriate action to identify risks and prevent violent acts or the threat of violence acts, both on and off-site, that affect the personal safety and well-being of Workplace Parties and members of the public who may access the workplace.

“Workplace violence” includes:

- i. The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- ii. An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; and
- iii. 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.

Examples of workplace violence will include, but are not limited to:

- i. Any assault or physical attack, which includes fighting, punching, slapping, hitting, pushing, shoving or kicking or any threat to attempt such acts;
- ii. The use of a weapon or threatened use of any object as a weapon;
- iii. Any threatening behaviour such as shaking fists, throwing objects or physical confrontation or intimidation (such as crowding or cornering an individual);
- iv. Stalking; or
- v. Verbal or written threats.

## **THREATS OF DOMESTIC VIOLENCE**

When AthletesCAN is or becomes aware of a domestic situation that would likely expose a Workplace Party to physical injury in the workplace, AthletesCAN will take every precaution reasonable in the circumstances for the protection of the Workplace Party who is likely to be exposed to physical injury. Additionally, AthletesCAN should be advised by anyone with knowledge of a domestic abuse concern regarding a Workplace Party. While some disclosure of personal information could be necessary in such a situation, disclosure will be limited to what is reasonably necessary to protect the Workplace Party from physical injury.

In order for AthletesCAN to effectively assist the Workplace Party, the Workplace Party who has received a restraining or other protection order preventing contact or restraining access by another individual to the employee should immediately inform AthletesCAN of the order, its contents and terms, and the identity of the individual being restrained or restricted.

AthletesCAN may be required to disclose personal information about a person (including a current employee) who has committed, or may commit, an act of workplace violence where another worker is at risk of workplace violence. The disclosure of personal information will be limited to that which is necessary to protect a Workplace Party from personal injury.

## **REPORTING**

Any Workplace Party who believes that they have been subjected to behaviour that violates this Policy may immediately report the matter to the senior staff member or President of the Board of Directors of AthletesCAN. If the Workplace Party is not comfortable reporting the matter to such individuals, or in the event that the matter concerns those individuals, they may report the incident to any member of the Board of Directors.

Consistent with the *Red Deer Declaration for the Preventing of Harassment, Abuse, and Discrimination in Sport*, AthletesCAN is committed to providing Workplace Parties access to a third party mechanism for reporting incidents of abuse, harassment, discrimination and/or maltreatment. As such, AthletesCAN has identified the following independent third-party that serves as an independent point of contact to which allegations may be reported:

Gretchen Kerr, Ph.D.  
University of Toronto  
65 St. George Street  
Toronto, ON., M5S 2Z9  
[gretchen.kerr@utoronto.ca](mailto:gretchen.kerr@utoronto.ca)  
647-383-9910

(Hereinafter the “Third Party”)

## **REPORTING OBLIGATION**

Any senior employee who witnesses abuse, discrimination, harassment and/or maltreatment, or who receives a report of or otherwise becomes aware of any such conduct involving a Workplace Party must report the situation immediately to the President of the Board of Directors, another a member of the Executive Committee or the Third Party.

All employees are also equally responsible for reporting such conduct (or actual or potential *threats* of such conduct) whether they are a victim or a witness of the misconduct. This includes threats by any Workplace Parties and threats by members of the public.

Inaction on the part of any individual who becomes aware of behaviour that may violate this Policy may result in disciplinary action up to and including termination.

## **INVESTIGATION**

Every report of abuse, discrimination, harassment, maltreatment, violence or threat of violence will be investigated promptly and impartially by the Third Party. The type of investigation will vary depending on the circumstances, and the Third Party will determine the type of investigation that is appropriate in the circumstances. The Third Party may determine that it is necessary to involve AthletesCAN to investigate and/or resolve the situation.

AthletesCAN will endeavour to keep the report and the results of the investigation confidential to the extent practicable and as permissible by law. The information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law.

The alleged wrongdoer (if they are a Workplace Party) and the Workplace Party who believes that they have experienced workplace maltreatment of any kind will be informed in writing of the results of the investigation, and of any corrective action that has been taken or that will be taken as a result of the investigation.

Where it is determined that a party has made a complaint in bad faith or with the intent to harm another person and/or has misrepresented facts, then formal disciplinary action may be taken against the person, up to and including termination of employment.

## **REPRISAL/RETALIATION**

Acts of reprisal or retaliation are strictly prohibited and will not be tolerated. Reprisal or retaliation is prohibited against any Workplace Party who i) reports an act of workplace discrimination, abuse, harassment, violence or the threat of violence, or ii) participates in an investigation of discrimination, harassment, abuse or threats or acts of violence.

Any Workplace Party who feel that they have been retaliated against in violation of this Policy is responsible for reporting the retaliation to the Executive Director, a member of the Board of Directors, or the Third Party in the same manner as any other form of breach of this Policy should be reported.

## **ENFORCEMENT**

Any violation of this Policy may result in disciplinary action up to and including termination of employment for just cause.

## **TRAINING**

Consistent with the *Red Deer Declaration for the Preventing of Harassment, Abuse, and Discrimination in Sport*, all employees and members of the Board of Directors will receive training and instruction on identifying and responding to issues related to this Policy upon becoming an employee or a director, or upon renewal of this Policy, whichever is sooner.

## **REVIEW**

AthletesCAN will review this Policy as necessary and at least annually. AthletesCAN may amend or revise any of the terms in the Policy at any time in its sole discretion, and any revisions will supersede this Policy.