



Discrimination & Harassment

1. GO Rowing & Paddling Association of Canada (GO) is committed to providing 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.
2. This policy established a step by step approach to deal with harassment and discrimination issues. It provides for an internal complaint resolution process where early resolution will be facilitated.
 - ❖ 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.
 - ❖ Harassment is offensive, degrading and threatening. In its most extreme forms, harassment can be an offence under Canada's Criminal Code.
 - ❖ Whether the harasser is a director, supervisor, employee, coach, official, volunteer, parent or athlete, harassment is an attempt by one person to assert abusive unwarranted power over another.
 - ❖ GO is committed to providing a sport environment free of harassment or discrimination on the basis of the prohibited grounds as defined in section of this policy.
3. This policy applies to all employees and people under contract as well as to all directors, officers, volunteers, coaches, athletes, officials and members of GO.
4. GO encourages the reporting of all incidents of discrimination or harassment, regardless of who the offender may be.
5. This policy applies to discrimination or harassment that may occur during the course of all GO business, programs, activities and events. It also applies to harassment between individuals associated with GO but outside GO business, activities and events when such harassment adversely affects relationships with GO's work and sport environment.
6. Notwithstanding this policy, every person who experiences discrimination or harassment continues to have the right to seek assistance from their provincial or territorial human rights commission, even when steps are being taken under this policy. If a complainant using this policy chooses to use an alternate procedure such as a human rights code or the courts, GO may decide to either terminate or suspend this procedure.

Coach/Athlete Sexual Relations

7. GO takes the view that the intimate sexual relationships 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 GO's public image. GO therefore takes the position that such relationships are unacceptable. "Should a sexual relationship develop between an athlete and a coach, GO will investigate and take action which could include reassignment, or if this is not feasible, a request for resignation or dismissal from employment.

DEFINITIONS

Discrimination

8. Discrimination is 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 which withholds or limits access to opportunities, benefits and advantages available to others.

The prohibited grounds of discrimination under Foundation's Policy are as follows:

- ❖ Age (except for athletes, an age that is eighteen years or more and less than sixty-five)
- ❖ Ancestry
- ❖ Citizenship
- ❖ Colour
- ❖ Creed or religion
- ❖ Disability
- ❖ Ethnic or national origin
- ❖ Language
- ❖ Marital/family status (defined to include common law relationships, and to not preclude anti-nepotism policies)
- ❖ Place of origin
- ❖ Race
- ❖ Sex (defined to include pregnancy)
- ❖ Sexual orientation
- ❖ Record of offences (pardoned Federal or Provincial)

Harassment

9. Harassment takes many forms but can generally be defined as a course of comment, conduct, or gesture directed toward an individual or group of individuals, that is known or ought to be known to be unwelcome to be insulting, intimidating, humiliating, malicious, degrading or offensive. Single acts of sufficient severity may constitute harassment. Any type of hazing is also seen as harassment.

Sexual Harassment

10. For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature when:



- ❖ Submitting to or rejecting this conduct is used as the basis for making decisions which affect the individual;
 - ❖ Such conduct has the purpose or effect of interfering with an individual's performance;
 - ❖ Such conduct creates an intimidating, hostile or offensive environment.
11. Types of behaviour which constitute harassment include but are not limited to:
- ❖ Criminal conduct such as stalking and physical or sexual assault or abuse;
 - ❖ Written or verbal abuse or threats;
 - ❖ The display of visual material which is offensive or which one ought to know is offensive;
 - ❖ Unwelcome remarks, jokes, comments innuendo or taunting about a person's looks, body, attire, age, race, religion, sex or sexual orientation;
 - ❖ Leering or other suggestive or obscene gestures;
 - ❖ Condescending, paternalistic or patronizing behaviour, which undermines self-esteem, diminishes performance, or adversely affects working conditions;
 - ❖ Practical jokes, which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance;
 - ❖ Unwanted physical contact including touching, petting, pinching or kissing;
 - ❖ Unwelcome sexual flirtations, advances, requests or invitations;
 - ❖ Use of inappropriate or derogatory sexual terms
 - ❖ Promises or threats contingent on the performance of sexual favours.

Personal Harassment

12. Personal harassment involves excessive, unwelcome behaviour, directed at an individual, not linked to the prohibited grounds, which is known to be unwelcome/unwanted, offensive, intimidating, or inappropriate.

Examples may include, but are not limited to:

- a. Physically intimidating behaviour and/or threats;
- b. Use of profanity (swearing), vulgarity;



- c. Derogatory name-calling.

In most cases, single incidents of inappropriate language or behaviour, outside of those actions identified in Sections 10 and 11, are not governed by this policy. Manager's supervisors and coaches are expected to take appropriate action to address such issues as part of their normal responsibilities.

Properly Discharged Supervision:

13. Properly discharged supervisory and instructional responsibilities based on our human resources policies by supervisors, managers and coaches do not constitute harassment. Performance appraisals, counseling, discipline and proper enforcement of high standards, provided that such standards are not arbitrary and are applied in a non – discriminatory manner are not contrary to this policy.

Criminal Background Checks

14. It is the policy of many GOprograms to conduct comprehensive background and criminal record checks on coaches and employees at the time of appointment

RESPONSIBILITY

Management/Supervisor/Coach Responsibility

15. Anyone who has the authority to prevent or discourage harassment and discrimination may be held responsible for failing to do so. All managers, supervisors and coaches therefore have a particular duty to act to deal with such incidents.

Harassment Policy Coordinator

16. GO shall appoint a Harassment Policy Coordinator (HPD) from among its senior staff. This person will have overall responsibility to play a part in ensuring that our environment is free from harassment. This means not engaging in, allowing, condoning or ignoring behaviour to this policy.

- ❖ Leading efforts to discourage and prevent harassment within GO;
- ❖ Where appropriate, appointing mediators to assist in the resolution of conflicts under this policy;
- ❖ Receiving formal complaints;
- ❖ Investigating formal complaints of harassment in a sensitive, responsible and timely manner or, when appropriate, appointing another member of staff, or contracting an external investigator to conduct investigations;
- ❖ Implementing appropriate disciplinary or corrective measures when a complaint of harassment has been substantiated, regardless of the position or authority of the offender.;



- ❖ Providing advice and assistance to any employee or member of GO who experiences harassment by someone who is or is not an employee or member of GO.
 - ❖ Making all members and employees of GO aware of the problem of harassment and in particular sexual harassment and of the procedures contained in this policy
 - ❖ Informing both complainants and respondents of the procedures contained in this policy and of their rights and responsibilities under the law;
 - ❖ Maintaining the time frames for the policy process, including the various disclosures to the parties.
 - ❖ Regularly reviewing the terms of this policy to ensure that they adequately meet the organization's legal obligations and public policy objectives;
 - ❖ Advising the GO Board on the operation of the policy.
17. In the event the HPC is a party (complainant, respondent, witness) to a complaint which is made under this policy, the GO President shall appoint a suitable alternate for the purposes of dealing with complaint.

President/ Executive Director

18. The President/Executive Director acts as the final decision maker on matters relating to the Policy, including deciding upon the form of action to be taken if an allegation of harassment or discrimination is supported through the investigation process.

DISCIPLINARY ACTION

19. Employees or members of GO against whom a complaint of harassment is substantiated may be severely disciplined, up to and including employment dismissal. In cases where the harassment takes the form of assault, sexual assault, or that of a criminal act the proper authorities will be immediately notified.

CONFIDENTIALITY

20. GO understands that it can be extremely difficult to come forward with a complaint of harassment and that it can be devastating to be wrongly convicted of harassment. GO recognizes the interests of both the complainant and the respondent in keeping the matter confidential.
21. A complainant has the right to withdraw a complaint at any stage in the complaint process. GO may continue to act on the issue identified in the complaint in order to comply with its legal obligations.
22. All complaints must be initiated within three months of the incident occurring. In extenuating circumstances a complaint filed beyond the three month limitation will not be considered by GO.

COMPLAINT PROCEDURE



Step One

23. Recognizing that it is in the best interests of all parties to resolve human rights conflicts, a person who believes that they are being harassed should, when possible, as the initial step towards its resolution, discuss the complaint directly with the person whose action gave rise to the complaint.

Step Two

24. If step one is not possible, or if after talking to this person the offensive behaviour continues, the person with the problem should contact a Harassment Advisor of their choice. The Harassment Advisor will assist and advise the following;
 - ❖ emphasis of the policy process on working with the two individuals in conflict to resolve these issues in an informal manner
 - ❖ The right to file a formal written complaint
 - ❖ If the complainant believes that his or her safety is at risk or threatened by the respondent that this should be noted and the police should be contacted
 - ❖ The right to withdraw from any further action at any point
 - ❖ The penalties and redress that are available under this policy, including the possibility of penalties against a complainant if the complaint is found to be trivial, without merit, frivolous, vexatious or made in bad faith
25. The complainant is asked to provide the Harassment Advisor with the following information:
 - ❖ The name and location of the respondent
 - ❖ The details of the complaint including the time, date, location and any witnesses.
26. The Harassment Advisor will provide advice to the complainant whether, on the basis of the information provided, an alternative dispute resolution mechanism is in order.

Step 3 – Formal Complaint

27. Failing resolution of the complaint during interaction with Harassment Advisor, the complainant may submit a formal complaint in writing. The formal complaint must be submitted to the Harassment Policy Coordinator on the policy complaint form and must include

The name and location of the complainant

- ❖ The name and location of the respondent
- ❖ A description of the complaint, detailing the circumstances surrounding the incident
- ❖ Desired solution
- ❖ The complaint must be signed and dated by the complainant.



28. On receiving a written complaint, The Harassment Policy Coordinator shall, within four calendar days of receipt:
- (a) acknowledge receipt of the complaint in writing, informing the complainant whether, on a matter of jurisdiction, the complaint will be pursued under this policy, and, if not, the reasons for not pursuing the complaint,
 - (b) 1. If it has been determined that the complaint will be pursued under this policy inform the respondent in writing of the complaint, providing a copy of the complaint and giving the respondent an opportunity to respond to the allegations with seven calendar days.
- Or
- (c) 2. In the event that it is determined that the complaint will not be pursued because it does not fall under the jurisdiction of this policy, the Harassment Policy Coordinator will inform the respondent in writing that a complaint has been made but will not be pursued further under this policy. The information provided would include a copy of the complaint, the reasons for not pursuing it and a statement that no response to the complaint is required.
29. If the complaint is not dismissed, upon receipt of the respondent response to the complaint, the Harassment Policy Coordinator shall disclose such information back to the complainant within five calendar days.
30. Within ten days of the complainant receiving the response of the respondent, the Harassment Policy Coordinator shall meet separately with complainant and the respondent to clarify the details of their submissions and to identify the steps that have been taken to attempt to resolve the matter. If appropriate, The Harassment Policy Coordinator may ask a Harassment Advisor to assist in the resolution of the complaint at this point.

Step 4 –Decision Making Meeting

31. The Harassment Policy Coordinator shall send copies of the investigation report to the parties within five calendar days of receiving it from the Investigator.
- (a) If the investigation report concludes that the complaint does not fall within the jurisdiction of this policy, the complaint will be dismissed by Foundation. The parties will be informed of the dismissal at this time.

This decision may be appealed, in writing, within ten calendar days, to the President/Executive Director. If an appeal is submitted by the complainant, the respondent will be sent a copy of the submission and be given the opportunity to respond. The President/Executive Director will review the investigation report and



any submissions and make a final decision. If a decision is made in favour of upholding the complaint dismissal, this decision is not appealable with GO.

- (b) For any other findings of the investigative report, the parties will be requested to submit any comments regarding that report. These submissions must be received by Harassment Policy Coordinator within seven calendar days.
32. Within seven calendar days after receipt of the investigative report and submissions or after the completion of the information meeting, if such a meeting occurs, the President/Executive Director will provide to the parties a written decision with reasons. This decision is not appealable through this policy process.
33. In imposing disciplinary sanctions, the President/Executive Director may consider the following options, singly, or in combination, depending on the severity of the harassment.
- ❖ A verbal or written apology
 - ❖ Removal of a certain privileges of membership or employment;
 - ❖ Temporary suspension with or without pay
 - ❖ Termination of employment or contract
 - ❖ Suspension from certain GO activities for a designated period of time
34. The resolution of all informal or formal complaints will be noted by GO through written correspondence to the parties
35. Where the final decision of the complaint process is that the allegation of harassment is unfounded all materials relevant to the investigation shall be placed in the Harassment Policy Coordinator's files. These files shall be kept confidential and separate from all other GO files. Access to them shall be restricted to GO officials involved in the harassment and discrimination policy process.
36. Where the final decision of the complaint process is that the allegation of harassment is upheld, a copy of the letter to the respondent explaining the decision and discipline being imposed will be retained in the respondent's personnel or membership file.

Criminal Offenses relating to sex:

37. Notwithstanding the procedures set out in this policy, any member of GO or any individual engaged in activities with or employed by GO who is convicted of a criminal offense involving sexual exploitation invitation to sexual touching, sexual interference or sexual assault, shall face automatic suspension from participating in any activities of GO for a period of time corresponding to the length of the criminal sentence imposed by the Court, and may face further disciplinary action by GO in accordance with this policy.



Policy Review

38. This policy shall be reviewed every two years.