



WORKPLACE VIOLENCE & HARASSMENT POLICY AND PROCEDURE

Policy Statement

The PORT CREDIT SKATING CLUB ("PCSC" or "Club") is committed to providing a safe and healthy environment for skaters, coaches, and families free from actual, attempted, or threatened violence or harassment.

The Club has zero tolerance for violence or harassment or reprisals.

All Club workers, managers, supervisors, contractors, consultants, coaches, visitors, or other affiliates (collectively, "Club Personnel") must abide by this Policy.

Any Club Personnel who believes she or he or they has been subjected to violence or harassment in the workplace is encouraged to follow the Procedure outlined below.

The Club acknowledges that no aspect of this Policy shall interfere with an employee's rights to pursue complaints under other available processes (e.g. under the *Human Rights Code* or *Occupational Health and Safety Act*).

Application

This Policy applies to all Club Personnel across Ontario. This Policy applies to conduct both on and off Club property or work sites, and to conduct during work hours as well as during non-working hours where there is a connection to the Club.

Definitions

1. Workplace Violence

In this Policy, workplace violence includes but is not limited to the following:

- (a) the exercise of physical force against or by Club Personnel that causes or could cause physical injury, including but not limited to, physical acts such as punching, hitting, kicking, pushing, damaging property, or throwing objects;

- (b) an attempt to exercise physical force against or by Club Personnel that could cause physical injury; and
- (c) a statement or behaviour (or series of statements or pattern of behaviour) reasonably interpreted to be a threat of physical harm or a threat to safety and security in the workplace.

2. Domestic Violence

In this Policy, domestic violence is the experience of violence outside of the workplace.

Domestic violence is considered workplace violence in the case where a person who has a personal relationship with a Club Personnel – such as a spouse or former spouse, current or former intimate partner, or a family member – may physically harm, or attempt or threaten to physically harm, that Club Personnel in the workplace.

3. Workplace Harassment

In this Policy, workplace harassment includes but is not limited to the following:

- (a) engaging in a course of vexatious comment or conduct against a Club Personnel in a workplace that is known, or ought reasonably to be known, to be unwelcome; or
- (b) workplace sexual harassment.

However, differences of opinion, minor disagreements between co-workers, or the exercise of management functions do not constitute workplace harassment.

4. Workplace Sexual Harassment

In this Policy, workplace sexual harassment includes but is not limited to the following:

- (a) engaging in a course of vexatious comment or conduct against a Club Personnel 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
- (b) 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 Club Personnel and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Zero Tolerance

The Club will not tolerate incidents of workplace violence or harassment or reprisals perpetrated against or by Club Personnel. All such incidents constitute violations of this Policy ("Policy Violations").

If the Club becomes aware of any Policy Violations, the Club may take corrective action as appropriate, including:

- (a) discipline any Club Personnel, up to and including dismissal, and/or report the conduct to the police;
- (b) terminate the contract of any Club Personnel;
- (c) remove the perpetrator from a Club workplace by security or the police; and
- (d) report the conduct of any other person to her or his employer, supervisor and/or principal and/or to the police.

Responsibilities

Of the Club

- To take reasonable measures and implement appropriate preventative procedures to protect Club Personnel from workplace violence/harassment, and to otherwise provide a safe and healthy environment
- To ensure that a workplace violence risk assessment is conducted and to develop procedures to address any workplace violence risks identified in the assessment
- To provide training on this Policy
- To ensure that this Policy is communicated to persons who visit the Club's workplaces
- To establish a process for summoning immediate assistance when workplace violence/harassment occurs or is likely to occur, and to ensure the process is communicated, maintained and followed
- To establish a process for reporting and responding to incidents of workplace violence/harassment, and to ensure the process is communicated, maintained and followed
- To ensure that this Policy is reviewed at least annually or when revisions/updates are identified
- To post this Policy in a conspicuous place in the workplace

Supervisors

- To understand and abide by the requirements of this Policy
- To communicate and review this Policy with the Club Personnel they manage or supervise

- To make this Policy available to all visitors who attend the Club's workplaces
- To provide information and instruction to workers in the Club's procedures that address the workplace violence risk(s) applicable to the worker
- To encourage workers to report risks or complaints or incidents of workplace violence/harassment
- To respond to all complaints or incidents or risks of workplace violence/harassment in a professional manner appropriate for the circumstances of the complaint or incident or risk
- To ensure the security and safety of all parties involved during an investigation of workplace violence/harassment
- To comply with this Policy at all times to protect themselves and others in the workplace from workplace violence/harassment

Of Workers

- To comply with this Policy at all times
- To immediately notify your Manager/Supervisor, or other designated person, if you believe you are at risk of violence in the workplace, including domestic violence
- To immediately notify your Manager/Supervisor, or other designated person, of any incident of workplace violence/harassment, whether you are the victim or not
- To immediately contact the police in case of an extreme or imminent threat of physical harm to yourself or any person from workplace violence/harassment
- To participate in training regarding these policies and Club procedures directed at mitigating workplace violence/harassment
- To act respectfully towards other individuals while at work and while participating in any work-related activity
- To fully cooperate as required in any investigation of complaints or incidents of workplace violence/harassment

History of Violence

Pursuant to the *Occupational Health and Safety Act*, the Club must provide Workers with information (which could include personal information) related to a risk of workplace violence from a person with a history of violent behaviour if:

- (a) A worker can be expected to encounter this person in the course of his/her work; and
- (b) the risk of workplace violence is likely to expose the employee to physical injury.

In considering whether to disclose information about a person with a history of violent behaviour, the Club and its Managers/Supervisors must consider a number of factors, including but not limited to:

- When the violent behaviour occurred
- Where the violent behaviour occurred (i.e. did it occur at the Club workplace or Club-sponsored recreational or social event?)
- Whether the person is a worker
- If the violent behaviour was perpetrated against a worker
- The circumstances surrounding the violent behaviour
- If the violent behaviour was premeditated
- If the violent behaviour is an isolated incident or a pattern of repeated behaviour

The Club and the involved Manager(s)/Supervisor(s) will decide: (1) if information will be disclosed; and (2) the extent of the information disclosed. The Club will not disclose more information than is reasonably necessary to protect an employee from physical injury.

Reporting Procedure

All incidents of workplace violence or harassment or reprisal should be reported immediately to the ProLiaison. If it is difficult or uncomfortable to discuss such a matter with the ProLiaison (or if the incident involves the ProLiaison), the incident should be reported to the Club President.

If an incident of workplace violence or harassment or reprisal involves a person who is not a worker of the Club, the ProLiaison will report the incident to that person's employer and/or such other person as the Club determines is appropriate in the circumstances.

All other incidents of threats of workplace violence/harassment will be reported to police as appropriate.

If a Club Personnel makes a report to the ProLiaison (the "Complainant") and she or he does not respond in a manner the Complainant deems satisfactory, the Complainant may report the situation to the Club President.

The ProLiaison will invite the Complainant to submit a written complaint including the following information:

- (a) name of the Complainant and contact information;
- (b) name of the person(s) against whom the complaint is made (the "Respondent(s)"), position(s) and contact information;
- (c) name of witness(es), if any, or other persons with relevant information to provide about the incident(s), if any, and contact information;
- (d) details of what happened, including date(s), frequency and location(s) of the alleged incident(s);
- (e) any supporting documents the Complainant has in her or his possession that are relevant to the complaint; and

- (f) list of any relevant documents a witness, other person or Respondent may have in their possession.

In the event the ProLiaison receives a verbal report regarding conduct contrary to this Policy that the Complainant is unable or unwilling to reduce to writing, the ProLiaison shall reduce the verbal complaint to writing as best possible.

If a written complaint is made, a copy of the complaint may be provided to the Respondent(s). If a copy of the written complaint is not provided, details of all of the allegations contained therein shall be provided to the Respondent(s).

Investigation Procedure

The Club will conduct an investigation into an incident or complaint of workplace violence/harassment that is appropriate in the circumstances. This obligation is not only triggered when a report or written complaint is made, but also when the Club becomes aware of an incident of workplace violence/harassment.

The Club will assign an Investigator to conduct an investigation. The Club may assign a member of the Board or Club Manager/Supervisor to be the Investigator, or may retain an external party to be the Investigator, as appropriate in the circumstances.

If a written complaint is submitted, the Investigator shall then investigate the complaint in a fair and timely manner. Where appropriate, the Investigator shall investigate the complaint even if the Complainant chooses not to prepare a written complaint.

Where a written complaint is made, the Respondent(s) shall be invited to provide a written response. Where necessary, the Investigator may require the Respondent(s) to provide a written response.

In the course of the investigation, the Investigator may interview any person who may have information relevant to the complaint or the response to the complaint. Witnesses will be reminded of their duty to keep all shared information confidential and not to discuss the complaint, the incident(s), or the investigation with others unless necessary to obtain advice about their legal rights.

The Investigator shall make a finding as to whether there has been a Policy Violation, shall prepare an investigation report, and shall submit the investigation report to Club President.

In the event of a finding that a Policy Violation has occurred, the Club President, in consultation with the Board or others the President deems necessary to consult, shall determine whether, and to what extent, corrective action should be taken. In the event that the Club President is a Respondent to the complaint, the findings shall be reported to the other members of the Executive Committee and the other members of the Executive Committee shall determine whether, and to what extent, corrective action should be taken.

The Complainant and Respondent(s), if workers, will be informed in writing of the outcome of the investigation and of any corrective action taken.

The Club shall make best efforts to conclude the investigation within sixty (60) days of its receipt of the written complaint. In the event the Club requires additional time, the Complainant and Respondent shall be advised of the need for additional time and the reason for the same.

Records related to the complaint and investigation shall kept in a confidential and secure manner for a minimum of one year following the conclusion of the investigation. Such records shall not be disclosed unless necessary to investigate an incident or complaint of workplace violence/harassment, take corrective action, or otherwise as required by law.

Confidentiality

Information about the complaint or incident(s) will not be disclosed except to the extent necessary to protect any person, to investigate the complaint or incident, to take corrective action, or as otherwise required by law. Failure to comply with these confidentiality requirements by any Club Personnel constitutes a Policy Violation and may be subject to corrective action.

Enforcement

Where the Club has determined that an individual has perpetrated workplace violence/harassment, the Club will take necessary disciplinary action, up to and including the termination of worker or the suspension of a member.

The severity of any disciplinary action will be consistent with the seriousness of the conduct at issue such that more significant discipline will follow more serious conduct or repeated violations of this Policy.

No Reprisal

Workplace violence and harassment are serious matters. This Policy prohibits reprisals against workers who have made good faith complaints or provided information regarding a complaint or incident of workplace violence/harassment. Workers who engage in reprisals or threats of reprisals may be disciplined up to and including termination of his/her/their contract.

Reprisal includes:

- (a) any act of retaliation that occurs because a person has complained of or provided information about an incident of workplace violence/harassment;
- (b) intentionally pressuring a person to ignore or not report an incident of workplace violence/harassment; and
- (c) intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of workplace violence/harassment.

Notwithstanding the foregoing, any worker who makes a false complaint or otherwise abuses this Policy may be disciplined up to and including dismissal or termination of contract. Such discipline is not a reprisal or breach of this Policy.

Policy Review

This policy will be reviewed whenever deficiencies are identified and no less frequently than once per year. This policy was last revised on May 31, 2019

Acknowledgement and Agreement

I, _____, acknowledge that I have read and understand this policy. I agree to adhere to this policy and will ensure that workers working under my direction adhere to this policy. I understand that if I violate the rules set forth in this policy, I may face disciplinary action up to and including the termination of my contract and any punitive legal action incurred.

Name: _____

Signature: _____

Date: _____

Witness: _____

Approved by the President, Port Credit Figure Skating Club

Signature: 
Name: Miriam Phelps
Date: June 12, 2019