



**TAEKWONDO CANADA**

**Policy**

# Workplace Harassment & Human Rights

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## Revision History

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## POLICY

1.1 Taekwondo Canada believes in providing an environment in which all athletes, coaches, referees, officials, managers, employees, and volunteers are treated with respect and dignity and are free from harassment, workplace harassment, sexual harassment, and discrimination. Harassment and discrimination will not be tolerated and, where possible, are to be redressed.

1.2 Retaliation, or reprisals are prohibited against any Individual who has made a complaint under this Policy, or who has provided information regarding a complaint. Any such retaliation or reprisal will be subject to immediate corrective action, up to and including termination or otherwise severing the Association's relationship with the individual. Alleged retaliation or reprisals will be subject to the same complaint procedures and penalties as complaints of harassment and discrimination.

1.3 The Association recognizes that individuals may find it difficult to come forward with a complaint under this Policy due to concerns regarding confidentiality and how their information may be handled.

**1.4 An Individual who is experiencing Criminal Harassment as defined in Section 264(1) of the Criminal Code of Canada, or who has reason to fear for their personal safety should immediately contact their local police service or call 911.**

**1.5 At any time, Individuals considering making a complaint under this Policy or the Code of Conduct may contact the Canadian Sport Helpline at:**

**1-888-83SPORT or email [info@abuse-free-sport.ca](mailto:info@abuse-free-sport.ca)**

1.6 This Policy does not preclude a complainant from initiating an alternative complaint procedure such as filing an application with the appropriate provincial human rights agency or employment standards ministry.

1.7 This Policy shall be reviewed by the Executive Director as often as necessary but no less than once each year to ensure that it adequately implements the Association's legal requirements.

## PURPOSE

2.1 This Policy outlines the procedures to be followed regarding harassment, workplace harassment, sexual harassment, and discrimination involving Individuals as defined below, and to ensure that those reporting alleged incidents will know that these matters shall be treated confidentially and may be reported without fear of retaliation or reprisal.

2.2 Complaints against athletes alleging that they have engaged in bullying, harassment, sexual harassment, or discrimination are to be addressed through the Association's Code of Conduct.

## SCOPE

3.1 This Policy shall apply to Individuals as defined in 4.3. Complaints involving athletes or coaches will be addressed under the Association's Code of Conduct.

3.2 This Policy shall apply to Individuals' conduct during the Association's business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with the Association's activities, the Association's office environment, and any meetings.

3.3 This Policy shall also apply to Individuals' conduct outside of the Association's business, activities, and events when such conducts could reasonably adversely affect relationships within the Association and/or its Members (and its work and sport environment) and/or may be detrimental to the image and reputation of the Association. Such jurisdiction will be determined by the Association at its sole discretion.

3.4 Issues related to other violent or threatening behaviour are to be addressed through the Association's Violence Prevention Policy.

3.5 This Policy shall not apply to internal issues, conduct or conflict occurring within the jurisdiction of a Provincial Taekwondo Organization, or to conduct or disputes occurring between Provincial Sporting Organizations.

## DEFINITIONS

4.1 **Association** - means Taekwondo Canada

4.2 **Discrimination** - is the differential treatment, restricting and/or exclusion of a person or group based upon one of the prohibited grounds for discrimination under provincial human rights codes or acts. It usually includes the following elements:

- Not individually assessing the unique merits, capacities and circumstances of a person
- Instead, making stereotypical assumptions based on a person's presumed traits
- Having the impact of excluding persons, denying benefits or imposing burdens

4.3 **Individuals** - means all persons engaged in activities with the Association including but not limited to referees, officials, volunteers, managers, administrators, committee members, and employees, directors and officers of the Association

4.4 **Prohibited Grounds** - means prohibited grounds of discrimination, which shall include grounds under the appropriate provincial human rights code or act, as well as the following grounds: Race, Colour, Ancestry, Creed (religion), Place of Origin, Ethnic Origin, Citizenship, Sex (including pregnancy, gender identity), Sexual Orientation, Age, Marital Status, Family Status, Disability

4.5 **Workplace** - means any place where business or work-related activities are conducted, including but not limited to, the Association's offices, work-related social functions, work assignments outside the Association's offices including athletic facilities, work-related travel, work-related conferences or training sessions and competition venues.

4.6 **Workplace Harassment** - is defined under this policy as follows:

a) 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

OR

b) Workplace Sexual Harassment;

This definition includes all types of discriminatory harassment related to one or more of the prohibited grounds for discrimination under Provincial Human Rights Codes.

A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

Further examples of behaviour which constitutes Workplace Harassment are contained in Appendix A.

Workplace Harassment that has a physical element may meet the definition of Workplace Violence under the Association's Workplace Violence Prevention Policy.

**4.7 Workplace Sexual Harassment** - is defined under this policy as follows:

- a) 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
- 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 worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

Further examples of behaviour which constitutes Workplace Sexual Harassment are contained in Appendix B.

## RESPONSIBILITY

### 5.1 All Individuals

All Individuals, as defined above, have the following responsibilities:

- Comply with this Policy and not engage in any form of harassment or intimidation
- Promptly report all incidents of apparent harassment and/or discrimination to either their immediate supervisor and/or to the Executive Director
- Cooperate with an investigation and/or the resolution of complaints under this Policy when requested to do so
- Participate in applicable education and training programs

### 5.2 Supervisors and Managers

In addition to their responsibilities under 5.1, supervisors and managers have the following responsibilities:

- Actively promote an environment that is free from discrimination and harassment
- Ensure that all Individuals whom they supervise receive information and instruction on the contents of this Policy and program
- Act on observations or upon receiving reports that allege harassment and/or discrimination in a prompt, objective, and sensitive manner

## REFERENCES AND RELATED DOCUMENTS

In addition to relevant provincial health and safety and human rights legislation, this Policy may at times contain references to the following policies:

- Taekwondo Canada Code of Conduct
- Taekwondo Canada Human Resources (Progressive Discipline) Policy
- Taekwondo Canada Workplace Violence Prevention Policy
- Taekwondo Canada Accessibility Policy
- <http://taekwondo-canada.com/page/policies>

## ADDRESSING AND RESOLVING COMPLAINTS

### 7.1 Step 1 – Self-Help (Optional)

Individuals who believe that they have been subjected to Workplace Harassment as defined under this Policy are encouraged whenever possible to initially approach the person who is engaging in the unwelcome conduct directly if they are comfortable in so doing. They should clearly identify to the person whose comments or conduct is unwelcome or offensive what their concerns are and request that they stop.

The complainant should keep a confidential written record of their conversation with the person along with pertinent details of the original incident(s) which gave rise to their concerns including the date, time, names of any witnesses and details of the conduct itself.

### 7.2 Step 2 – Mediation (Optional)

Either the complainant or the Individual engaging in the alleged conduct may make a request to their manager or to the Executive Director that an external mediator be engaged to assist with the resolution of their complaint. The Executive Director shall coordinate the selection and engagement of any external mediators, in consultation with the parties.

The mediator will meet with the parties in order to gather information and support a resolution of the complaint. Discussions throughout such a mediation shall be considered to be privileged and confidential in the event that a formal complaint is subsequently pursued.

### 7.3 Step 3 – Formal Complaint

If attempts at resolving the issue directly or through mediation are not appropriate, or if they are proving to be ineffective, a formal complaint may be filed. In order to do so, the complainant should:

- i. Prepare a letter of complaint that contains an account of the offensive conduct or incident(s). This letter should include the complainant's name, the name of the Individual who has engaged in the alleged conduct, their role within the Association, details about the conduct or incident(s) including what specifically was said / done, when and where it occurred, as well as the names of any witnesses. The complainant should provide any documentation that may be relevant to their complaint and describe any remedy that they are seeking.
- ii. Provide this letter of complaint to their direct supervisor / manager and to the Executive Director. Should this complaint be against the Individual's own supervisor or manager this letter should be provided directly to the Executive Director. Should the complaint be against the Executive Director or a member of the Board of Directors of the Association, the letter should be provided to the President. Should the

complaint be against the President, the letter should be provided to the Executive Director, who will confidentially notify and forward the complaint to the Director At Large or another designated Director of the Association for immediate action.

#### 7.4 Investigation Process

All complaints reported through Step 3 shall be investigated in a manner appropriate under the circumstances. The Association shall determine who will investigate the complaint, including whether to use an internal or external resource in order to ensure that an appropriate impartial investigation is conducted.

Both the complainant and respondent may bring a representative with them to meetings with the investigator provided the representative will not otherwise be involved in the investigation as a witness, that they agree to full confidentiality and that they do not interfere with the proceedings. Complainants and respondents may choose to seek legal advice at their own expense. Any such legal counsel cannot participate in proceedings under this Policy.

The investigation process shall involve interviews of the complainant, the respondent, and relevant witnesses named by either party. At the conclusion of the investigation the investigator shall provide a full written report of the investigation including their findings of fact as to the allegations contained within the complaint. The final decision as to whether or not a violation of this Policy has occurred will be based upon a review of evidence provided by the parties and gathered by the investigator, which will be assessed on a standard balance of probabilities. The investigator will provide recommendations related to resolution of the issues within the complaint. This full written report shall be provided to the Executive Director, President, or designated Director as applicable so that appropriate corrective and follow-up action may be determined.

Within 10 days of the investigation being completed, both the complainant and respondent shall be advised in writing a summary of the results of the investigation. In addition, both the complainant and respondent shall be advised of any corrective action that has been taken or that will be taken as a result of the investigation.

#### 7.5 Appeal

At any time, an Individual may make an appeal to the SDRCC.

#### 7.6 Discrimination

Where, as the result of an investigation, any workplace discrimination or systemic discrimination has been determined within any Association policy, procedure, or practice, the Executive Director shall prescribe actions to address this discrimination which may include amendments, revisions, or the elimination of existing policies, procedures, or practices.

#### 7.7 Timelines

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. A complaint under this Policy must generally be filed within six (6) months of the circumstances giving rise to the complaint.

Notwithstanding any exceptional circumstances such as illness, scheduled vacations, or heightened levels of complexity, Investigators will make every effort to complete an investigation within thirty (30) working days of receipt of the complaint.



## 7.8 Interim Measures

At the sole discretion of the Association, appropriate interim measures may be taken to stabilize a situation before an investigation process has been initiated or concluded. This may include the temporary re-assignment of the respondent or others, or their temporary removal from the workplace with pay.

## 7.9 Anonymity

Individuals are reminded of their responsibility under this Policy to cooperate with investigations. Those who may be reluctant to provide information relevant to an investigation for fear of reprisal or retribution are reminded that the Association will in no way permit or tolerate any such form of intimidation or retaliation. Information received anonymously by the Association with respect to an investigation will be reviewed but may or may not be taken under consideration.

## 7.10 Record Keeping

The Executive Director will keep records of the investigation in a separate, secure file 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 complainant who allegedly experienced the workplace harassment and to the respondent;
- A copy of any corrective action taken to address the complaint or incident of workplace harassment.

No record of the complaint will be maintained in the personnel file of the complainant(s). Only a finding of improper conduct which results in disciplinary action shall be maintained in the personnel file of the respondent(s), similar to any other disciplinary action.

Records relating to the investigation and the allegations giving rise thereto shall be maintained for the remainder of the calendar year in which the investigation was completed, plus an additional seven (7) years.

## 7.11 The Association's Obligation to Act

The Ontario Human Rights Code and the Occupational Health & Safety Act requires that a person who has the authority to prevent or discourage workplace harassment or discrimination may be held responsible for failing to do so.

All Individuals in positions of authority have a particular duty to take reasonable steps to deal with incidents of workplace harassment or discrimination when they know of or ought reasonably to have known of the incident. In order to comply with its legal obligations, the Association may, under appropriate circumstances, initiate a complaint procedure without a request to do so from a complainant. In addition, and where appropriate, the Association may choose to continue with an investigational process even after a complainant has decided to terminate the process.

A complainant may, at their discretion, decide to withdraw a complaint at any point in the process. In such a situation the Association may, at its discretion, continue with or initiate an investigation.

## REMEDIES AND SANCTIONS

8.1 The Association will have complete discretion in determining appropriate remedies and/or sanctions. In making this determination subsequent to a finding that an Individual has subjected another person to harassment and/or discrimination, or has otherwise violated this Policy the Association will consider the following criteria:

- The seriousness/severity of the incident(s),
- Remedies sought by the complainant,

AND

- The documented history of the respondent

The following are examples of sanctions that may be applied:

- A formal and/or written apology
- A requirement for additional training
- Referral to an assistance program
- Reassignment or relocation
- Report to a professional body
- Suspension (with or without pay)
- A “last-chance” agreement or behavioural contract
- Termination of employment or contractual relationship
- Legal action

Similarly, significant disciplinary action shall be taken against an Individual where the following findings have been made:

- A complaint has been found to be trivial, frivolous, vexatious, or made in bad faith, or
- That the Individual has engaged in reprisal or retaliatory measures against an employee who initiated a complaint in good faith through this Policy, or who cooperated in the investigation of a complaint under this Policy.

8.2 Where a complaint against a member of the Board of Directors investigated under 7.3 has been substantiated, that Director shall immediately resign their seat on the Board.

## APPENDIX A

### Additional Definitions and Examples – Workplace Harassment

As described in Section 4.3, “Workplace Harassment” is defined under the Ontario Occupational Health & Safety Act as follows:

a) 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,

OR

b) Workplace Sexual Harassment;

This definition refers to persistent behaviour or a course of comment or conduct. Notwithstanding this definition, in some exceptional circumstances a single incident can constitute Workplace Harassment when it is demonstrated that the conduct is severe and/or it has a significant and lasting impact on the complainant.

Some examples of Workplace Harassment include but are not limited to:

- Berating/belittling someone
- Unreasonably questioning or criticizing an Individual’s abilities, skills, or decision making when not related to an appropriate evaluation of performance
- Excluding or isolating a person by making others avoid him/her
- Deliberately and/or repeatedly ignoring a person
- Undermining or deliberately impeding a person’s work
- Spreading malicious rumours or gossip
- Making physical gestures intended to intimidate, offend, degrade or humiliate an individual
- Making comments that are threatening, degrading, or defamatory, or using abusive language whether verbally or written, including voice mail, email, on-line chats and comments posted on websites or social media
- Making a person perform useless, humiliating or demeaning tasks that are not reasonably expected to be part of that person’s employment, or unreasonably ceasing to give a person work on an on-going basis
- Practical jokes which cause awkwardness or embarrassment, endanger a person’s safety, or negatively affect performance
- The display of visual material which is offensive or which one ought to know is offensive;
- Any form of hazing

Differences of opinion, minor disagreements, or an occasional raised voice or argument do not constitute Workplace Harassment.

A reasonable action taken by a manager or supervisor relating to the management and direction of workers or the workplace is not workplace harassment. Some examples of such reasonable actions include but are not limited to:

- Performance appraisals
- Ongoing meetings to address performance issues
- Investigating alleged misconduct
- Counselling or disciplining Individuals for misconduct
- Reasonably modifying an Individual's duties, including transferring or re-deploying them
- Denying an individual a benefit in connection to their employment or performance if based on reasonable ground and facts

### Discriminatory Harassment

As noted above, the definition of Workplace Harassment includes all types of discriminatory harassment related to one or more of the prohibited grounds for discrimination under human rights legislation. These prohibited grounds include citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed (religion), sex (including pregnancy), sexual orientation, marital status, family status, record of offenses, gender identity and gender expression.

In addition to the examples of Workplace Harassment described above, some examples of Discriminatory Harassment include, but are not limited to:

- Verbal abuse, threats, derogatory name-calling, racist slurs, insults and/or jokes
- Ridiculing an Individual on racial based on one of the prohibited grounds for discrimination
- Comments which imply that an individual's ability is impaired in some way due to one or more of the prohibited grounds for discrimination
- Creating, displaying, and/or distributing offensive graffiti, insignia, objects or pictures
- Physical assault or unwelcome physical contact (Assault is an offense under the Criminal Code of Canada and will be responded to in accordance with the Violence Prevention Policy)
- Inciting others to commit any of the above (sections 318 and 319 of the Criminal Code of Canada explicitly prohibit acts inciting hatred or violence towards any identifiable group on the basis of colour, race, religion, national or ethnic origin, age, sex, sexual orientation, or mental or physical disability.)
- Behaviours such as those described above that are not directed towards a specific individual or group but have the same effect of creating a negative or hostile environment;

### Workplace Discrimination

The unequal treatment, exclusion or preference based on the protected grounds in the Ontario Human Rights Code, which reduces the equality of opportunity or causes a disadvantage in the terms or conditions of employment

### Systemic (Indirect) Discrimination

Occurs when policies or practices exclude, limit or restrict members of designated groups from employment or opportunities within employment even if it is unintentional.

## APPENDIX B

### Additional Definitions and Examples – Workplace Sexual Harassment

The Ontario Human Rights Code contains additional information on sexual harassment in addition to the definition of “Workplace Sexual Harassment” in Section 4.4:

(1) Harassment because of sex in workplaces

(2) Every person who is an employee has a right to freedom from harassment in the workplace because of sex, sexual orientation, gender identity or gender expression by his or her employer or agent of the employer or by another employee. R.S.O. 1990, c. H.19, s. 7 (2); 2012, c. 7, s. 6 (2).

(3) Every person has a right to be free from,

(a) a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or

(b) a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person. R.S.O. 1990, c. H.19, s. 7 (3).

### Gender-Based Harassment

Gender-Based Harassment is a form of Workplace Sexual Harassment and Discriminatory Harassment. It can be defined as any behaviour that polices and reinforces traditional heterosexual norms.

Some examples of Sexual and Gender-Based Harassment include but are not limited to:

- Demanding hugs
- Invading personal space
- Making unnecessary physical contact, including unwanted touching, *etc.*
- Using language that puts someone down and/or comments toward women (or men, in some cases), sex-specific derogatory names
- Leering or inappropriate staring
- Making gender-related comments about someone’s physical characteristics or mannerisms
- Making comments or treating someone badly because they don’t conform with sex-role stereotypes
- Showing or sending pornography, sexual pictures or cartoons, sexually explicit graffiti, or other sexual images (including on-line)
- Sexual jokes, including passing around written sexual jokes (for example, by e-mail)
- Rough and vulgar humour or language related to gender
- Using sexual or gender-related comment or conduct to bully someone

- Spreading sexual rumours (including on-line)
- Making suggestive or offensive comments or hints about members of a specific gender
- Making sexual propositions
- Verbally abusing, threatening or taunting someone based on gender
- Bragging about sexual prowess
- Demanding dates or sexual favours
- Making offensive sexual jokes or comments
- Asking questions or talking about sexual activities
- Making an employee dress in a sexualized or gender-specific way
- Acting paternally in a way that someone thinks undermines their self-respect or position of responsibility
- Making threats to penalize or otherwise punish a person who refuses to comply with sexual advances (known as reprisal).

## APPENDIX C

### Acknowledgment Form

I, \_\_\_\_\_, confirm that I have read Taekwondo Canada's Workplace Harassment and Human Rights Policy, and that I will follow the terms, guidelines, and responsibilities contained therein. Furthermore, I will undertake to promote the guidelines and principles of the Policy and will take all reasonable measures to ensure that any employees under my supervision fully comply with the Policy.

Signed On

\_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Position

\_\_\_\_\_  
Signature