

Whistler Adaptive Sports Program Society

Employee and Volunteer Anti-Discrimination (including Sexual Harassment) and Anti-Bullying & Harassment Policy

1. Policy

It is the policy of the Whistler Adaptive Sports Program Society (“Whistler Adaptive”) that the learning and working environment must be positive and supportive for all staff members and families. Therefore, Whistler Adaptive is committed to ensuring that the working and learning environment is free from bullying and harassment, discrimination and sexual harassment.

Whistler Adaptive aims to:

- foster an environment where all individuals are treated with dignity, courtesy and respect;
- promote appropriate standards of conduct at all times;
- implement training and awareness-raising strategies to ensure that everyone knows their rights and responsibilities; and
- where necessary, encourage reporting of inappropriate behaviour and provide an effective procedure for investigating and resolving complaints in a confidential, sensitive, fair and timely manner.

This Policy sets out what constitutes:

- discrimination,
- sexual harassment; and
- bullying and harassment.

The policy then goes on to explain what you can do if you experience any of these things.

It also details the complaints procedure which Whistler Adaptive has implemented to ensure that any form of discrimination, sexual harassment or bullying and harassment is dealt with promptly, diligently, confidentially and impartially.

All employees and volunteers have a responsibility to treat each other fairly and with respect. Individual employees and volunteers must also ensure that they do not discriminate against, bully and harass, or sexually harass other staff members or volunteers. Any reports of discrimination, bullying and harassment, or sexual harassment will be treated seriously and sympathetically by Whistler Adaptive, including taking disciplinary action where appropriate.

2. Definitions

Discrimination

Except to the extent related to a bona fide occupational requirement, it is unlawful to discriminate against a person in employment, in a volunteer capacity, or in the provision of goods and services on the basis of any of the following attributes or personal characteristics:

- age;
- disability or impairment (physical, intellectual, mental or psychiatric);
- race, colour, descent or national or ethnic origin;
- religious belief or activity;

- sex;
- gender identity;
- transgender or transsexual status;
- lawful sexual activity/sexual orientation;
- family, marital, parental or career status;
- physical features;
- political opinion, belief or activity;
- industrial activity or membership of an industrial association;
- pregnancy or potential pregnancy;
- breast feeding; medical record; criminal record; and
- personal association with a person who is identified by reference to any of the above attributes.

Discrimination is treating a person with an identified attribute or personal characteristic less favourably than a person who does not have the attribute or characteristic, who is otherwise in the same or similar circumstances. Discrimination can be either direct or indirect.

Direct Discrimination

Direct discrimination is treating, or proposing to treat, a person less favourably on the basis of an attribute or personal characteristic of the person which is covered by equal opportunity law, regardless of the discriminator's motive and whether they are aware of the discrimination or consider the treatment to be less favourable.

Indirect Discrimination

Indirect discrimination is unreasonably imposing, or intending to impose, on a person with an attribute or characteristic covered by equal opportunity law a requirement, condition or practice that can only be complied with by a higher proportion of people without the attribute or personal characteristic. Awareness of the discrimination is irrelevant. Indirect discrimination can occur when a requirement, condition or practice which appears to be neutral, in fact has a disproportionately negative impact on a particular group.

Sexual Harassment

Sexual harassment is a form of discrimination. It is conduct that is sexual. A person sexually harasses another if he or she in circumstances in which a reasonable person, aware of all of the circumstances, would have anticipated that the conduct would cause offence, humiliation or intimidation. Examples of conduct that constitute sexual harassment include:

- a person making an unwelcome sexual advance;
- a person making a request for sexual favours; or
- a person engaging in any other unwelcome conduct of a sexual nature.

Sexual harassment is unwelcome, uninvited conduct that is offensive from the view point of the person harassed, regardless of any innocent intent on the part of the offender.

It is not behaviour that is based on mutual attraction between people or friends.

Sexual harassment may occur in a single incident or series of incidents.

Types of sexual harassment

Sexual harassment can take many forms and can be physical, verbal or written. It is not just the obvious harassment of unwelcome physical behaviour such as inappropriate touching, patting, brushing up against someone or offensive gesturing. Sexual harassment can either be direct or indirect.

Sexual harassment takes a variety of forms, including:

- Sexual or suggestive remarks;
- Sexual propositions or requests for dates;
- Repeated questions about a person's private life;
- Sexual jokes and innuendo;
- Physical contact such as touching, deliberate brushing up against a person, hugging etc. against a person's will;
- Offensive telephone calls, reading matter, email, screen savers, pictures, calendars etc.;
- Suggestive looks or leers; and
- Sexually explicit conversations.

Bullying and Harassment

Bullying and harassment:

- includes any inappropriate conduct or comment by a person towards a worker or volunteer that the person knew or reasonably ought to have known would cause that worker or volunteer to be humiliated or intimidated, but
- excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or volunteers or the place of employment.

Examples of conduct or comments that might constitute bullying and harassment include verbal aggression or insults, calling someone derogatory names, harmful hazing or initiation practices, vandalizing personal belongings, sabotaging someone else's work, making aggressive or threatening gestures, making personal attacks based on someone's private life or personal traits, and spreading malicious rumours.

This above is not a complete list. Other, more subtle behaviours, such as patterns of targeted social isolation, might also be considered bullying and harassment if they are humiliating or intimidating.

Not every unpleasant interaction or workplace conflict is considered bullying and harassment. Examples of behaviours that may not be bullying and harassment, if undertaken in an appropriate manner, include:

- Expressing differences of opinion;
- Offering constructive feedback, guidance, or advice about work-related behaviour and performance; and
- Making a legitimate complaint about someone's conduct through established procedures.

Likewise, bullying and harassment should not be confused with exercising managerial authority. Examples of reasonable management action might include decisions relating to the following:

- job duties or the work to be performed;

- workloads and deadlines;
- layoffs, transfers, promotions, and reorganizations;
- work instructions, supervision, or feedback;
- work evaluation;
- performance management; and discipline, suspensions, or terminations.

3. Procedures

What can you do if you feel that you are being discriminated against, harassed, sexually harassed or bullied?

If you feel you have been discriminated against, sexually harassed, harassed or bullied, you should not ignore it. You should keep notes on all instances of discrimination, sexual harassment, harassment or bullying – dates, times, places, witnesses (if any), together with what you said, did or felt.

If you feel comfortable doing so, then you should go to the management team and report your complaint as soon as possible.

All complaints of discrimination, sexual harassment or bullying and harassment will be dealt with in accordance with Whistler Adaptive's procedures set out below. Our goal is to resolve all issues and complaints in-house where possible. However, you can seek the assistance of an outside agency, including law enforcement, at any stage, if you wish.

What should you do if you consider you have witnessed bullying?

You should report the matter to the Executive Director or, in their absence, the Chair of the Board of Directors who is required to act in accordance with the Whistler Adaptive procedure which is set out below.

Complaints Procedure

Whistler Adaptive takes any complaint under this policy very seriously and, depending on the circumstances, will invoke either the informal or formal complaints procedure outlined below.

If an informal approach is taken but the desired result is not achieved, then the formal approach can be adopted. If the complaint is sufficiently serious, a formal approach may be taken without first invoking the informal approach.

Informal Complaint Procedure - Raising your complaint with the management team

The Executive Director is available so you can discuss your situation and lodge your complaint.

When you meet with the management team to discuss your complaint, they will explain the relevant steps that will be taken to address your complaint. The Executive Director may act as a mediator or investigator and may make disciplinary decisions in relation to your complaint. The management team may assist you in handling your complaint directly with the person(s) involved.

Formal Complaint Procedure

If you believe that you have been, or continue to be, subject to bullying or harassment as defined above you should:

1. Inform Whistler Adaptive of the details in writing.
2. Seek support from the Executive Director.

3. If the complaint is against the Executive Director, please submit your complaint to the Chair of the Board of Directors.
4. Upon receipt of your complaint, Whistler Adaptive will undertake to arrange a supported meeting at the earliest possible convenience. Such a meeting will occur with the Executive Director. You may bring a support person with you who is not personally involved.
5. The purpose of the meeting will be to hear and document the details of your complaint. Each complaint will then be investigated and appropriate action to resolve the problem will be taken.
6. The management team will ensure that your feelings about the effects of the behaviour will be recorded as well as details of the specific events. Written notes of this meeting will be shown to you to ensure that they accurately reflect your position.
7. If appropriate, following this meeting the Executive Director will establish a meeting with the respondent/s. At this meeting, they will be provided with the written notes outlining the claims and be given an opportunity to respond. Again, verified documentation will be kept of all discussions.
8. Should the respondent/s acknowledge the claims, both the claimant and respondent will be asked to contribute to ideas for redeeming the situation. If these are satisfactory to you and Whistler Adaptive, their implementation will be monitored through regular weekly meetings for a specified period of time.
9. Should these solutions be unsatisfactory to you or Whistler Adaptive, or should the respondent/s refute the case, then a professionally mediated meeting will be established between yourself and the other party. The purpose of these meetings will be to establish mutually acceptable outcomes.
10. A final report will be prepared and submitted to the Chair of the Board of Directors.

Whistler Adaptive will treat all reports of misconduct fairly, confidentially and quickly. Only people directly involved in the issue or complaint will be told about it. We may, however, need to divulge some contents of the complaint and responses to key witnesses in order to complete a full investigation.

The principles of natural justice and procedural fairness require that the process be based upon an assumption of innocence unless and until evidence shows otherwise. However, if the allegation is so egregious (i.e. conspicuously bad or offensive) that 'if it were to be true,' there would be potential safety issues for the employee and/or criminal recourse, it may be necessary to suspend the accused with pay until the investigation is concluded, separate the employee or volunteer and/or take other measures to ensure the security of all parties. These actions in no way take away from the presumption of innocence.

Whistler Adaptive will monitor how the complaint was resolved and the wellbeing of those involved. Further action will be taken if the problem behaviour continues.

Whistler Adaptive encourages the staff and volunteers to attempt to resolve complaints and concerns through Whistler Adaptive if possible. It is also your right to seek help from outside Whistler Adaptive.

Possible Outcomes

The possible outcomes will depend upon the nature of the complaint. Where an investigation has found that a complaint is substantiated, appropriate action will be taken against the person about whom the complaint was made. This may include disciplinary action up to and including dismissal of employment or termination of the volunteer engagement in serious cases.

Victimization

Victimization is treating someone unfairly because that person, or someone they associate with, has made, or intends to make, a complaint under this policy. It is unlawful to victimize or penalize a person for making a complaint in good faith. Whistler Adaptive is committed to making sure that anyone who makes a complaint or assists in making a genuine complaint is supported and not penalized in any way.

Immediate disciplinary action will be taken against any employee or volunteer who victimizes or retaliates against a person who has made a complaint.

Vexatious Complaints

Inaccurate, misleading, malicious or false accusations have negative consequences for the person(s) concerned, interpersonal relationships and the morale of Whistler Adaptive.

Where it is found that a complaint has been made in bad faith which causes distress to one or more persons, or as a practical joke, disciplinary measures will be taken.

To report discrimination (including Sexual Harassment) and Bullying & Harassment please contact:

Chelsey Walker, Executive Director, cwalker@whistleradaptive.com 604-935-9406

Alan Kenney, President of the Board of Directors, akenney@telus.net, 604-341-9493