



HARASSMENT AND DISCRIMINATION POLICY

PURPOSE

The Midland Curling Club (MCC) is committed to:

- honest, fair and transparent practices;
- a sporting environment free of discrimination and harassment;
- proactive, prevention-oriented and cost-effective practices;
- alternate dispute resolution processes, and;
- resolution of discrimination and harassment, as soon as possible, and in a way that least disrupts ongoing relationships:
 - all aspects of discrimination and harassment prevention processes and investigation will be fair, responsive, confidential, and will aim to preserve the dignity, self-respect and rights of all parties.
 - responses to discrimination and harassment will aim to correct identified problems and to prevent repeated violations of this policy.

This policy supports:

- a positive and respectful environment that is free from Discrimination and Harassment based on the Ontario Human Rights Code (the Code), the Occupational Health and Safety Act (OH&SA) and is consistent with the MCC core values.
- preventing, identifying and correcting actions directed toward our members and employees that may constitute discrimination or harassment.

This policy shall continue to be consistent with policies, from time to time, of the Ontario Curling Association.

APPLICATION & SCOPE

The policy covers:

1. The Ontario Human Rights Code's protected grounds of sporting and employment-related discrimination and harassment which are race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (including pregnancy), sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status, or disability.

This policy applies to:

- All members and employees of MCC and extends to incidents arising out of, and in the course of, curling, employment, curling events external to the MCC and social media. This policy extends to include any form of harassment or discrimination that is:
 - directed towards members or employees by other members or other employees or by individuals who are not members or employed by the MCC, including visitors, staff, volunteers, Board members, service providers/vendors, contractors and students.

Behaviours and practices based on protected grounds, including:

- curling event-related or employment-related discrimination or harassment which occurs both at and external of the MCC that arises out of and in the course of curling or employment, e.g. bonspiels, competitions, conferences;
- curling event-related or employment-related discrimination or harassment of a person because of their relationship, association or dealings with another person identified by a protected ground under this policy or because a person is believed to be a member of a group covered by a protected ground under this policy;
- sexual harassment;
- discrimination or harassment in any aspect of curling or employment, such as training, job assignments, recruitment, hiring, promotion, layoff, pay and benefits, termination, leaves of absence.

2. Workplace harassment, which is referred to as “Non Code-related” harassment.

This may include:

- creating, contributing to or condoning a Poisoned work environment; or
- “bullying” behaviours, whether direct or indirect (aggressive or passive), verbal, physical or otherwise, performed by one or more persons against a member or employee or group of members or employees, which could reasonably be regarded as undermining an employee's right to dignity at the MCC and/or work. Examples of bullying behaviours include circulating rumours or gossip, verbal aggression, singling out or social isolation, personal attacks on a person’s private life and/or personal attributes, withholding information, misusing confidential information, spying or stalking, excessive or unjust criticism, over-monitoring of work, setting unrealistic goals or deadlines, and sabotage.

3. It is fundamental that a member or employee filing a complaint in good faith under this policy can do so without fear of intimidation or reprisal. Accordingly, the following governs the application of the investigation process:

- interference with an investigation; intimidating a complainant (the person making a complaint) or respondent (the person against whom a complaint is made) or witness or influencing a person to give false or misleading information will not be tolerated;
- threatening or actually retaliating against either a member or employee for exercising a right under this policy, or against any other person who is performing a legitimate role under this policy will not be tolerated. An appropriate management response to an employee acting abusively or unacceptably is not considered to be retaliation;
- an allegation made in bad faith or a false accusation by a member or employee that someone else has violated this policy will not be tolerated; or
- instances involving such behaviour may result in disciplinary action.

POLICY STATEMENT

Prevention, Communication and Education:

Prevention, education and communication are critical to achieving an environment free of harassment and discrimination. The Board, Employees and Members should:

- be free from offensive remarks, behaviours or surroundings that create intimidating or humiliating playing or working conditions.
- MCC H&DP Committee will conduct an appropriate investigation on all harassment & discrimination policy complaints brought forward. Efforts will be made to resolve all complaints at the earliest stage possible. No complaint will be substantiated until it has been investigated with appropriate documentation. The Board of Directors has a responsibility to address any MCC discrimination and

harassment brought to its attention, whether through the complaint process or otherwise, even if an applicant wishes to subsequently withdraw their complaint.

- The MCC will undertake a range of preventive measures, especially communicating with all members and employees about the policy and the general effect of discrimination and harassment on the sporting environment and the workplace.
- Members and employees will be educated about the complaint and investigation processes. Each member and employee must be informed of their rights and responsibilities under the policy.
- Members or employees have the responsibility to immediately raise any concerns about workplace violence and to report any violent incidents or threats to their League Convenor or the Club Manager or a Director to ensure everyone's safety.

Appropriate management response:

- A League Convenor, Club Manager or a Director must act quickly and appropriately on becoming aware of possible policy violations. The individuals involved must ensure they are available at the earliest opportunity to participate in investigations and other resolution processes.
- When notified of a violent incident, MCC will take immediate steps, where necessary, to ensure everyone's safety.
- Anyone with a formal role under this policy must ensure that information about potential criminal behaviour comes promptly to the Board's attention. The Board may notify the police and/or consult legal counsel as required. Members or employees are also free to contact the police if they feel threatened or are at risk of violence.

Rules of Confidentiality and Privacy:

All information must remain confidential, subject to the rules below, except where sharing information is otherwise required by law, or a criminal act requires the disclosure of the information to protect members, employees or the MCC.

- Complainants, respondents and witnesses must have access to statements they have made and personal information which they have provided.
- Complainants and respondents must have access to enough information about the allegations and responses of other parties and witnesses to enable them to effectively respond.
- The parties involved in a workplace complaint investigation, including the complainant, respondent, witnesses and investigators are expected to restrict their communications regarding such complaints to those necessary to the investigation process. Any gratuitous sharing of such information within or external to the MCC is protected and may result in disciplinary action. This requirement will be explained and documented at the commencement of the individual's involvement in an investigation.
- All documentation created by the H&D Committee, including records of meetings, interviews and results of investigations, created in relation to a complaint, will be maintained in a separate, confidential file within the Risk Management file of the Board of Directors.
- Personal information must only be used when administering this policy, processing complaints, determining the appropriate means to either address, manage or resolve policy violations, including appropriate disciplinary and other remedial actions, or for a consistent or related purpose.

PROCEDURE:

- There must be no reference to a complaint under this policy in an employee's personnel file, or any existing member file unless disciplinary action was taken against the employee or member.
- The MCC will investigate and deal with any such complaints in a fair and timely manner.

- While every effort will be made to comply with the following time frames, failure to do so does not void the process.
- Members or employees who feel they are being harassed or discriminated against should make a direct request of the individual to cease. The Parties may seek to negotiate a resolution by themselves or with a neutral person who can help them reach a mutually acceptable solution that satisfies their respective needs or interests. Taking this step may help to resolve issues quickly and in the least adversarial way.
- In the event, the individual continues this unwanted behaviour or an acceptable resolution cannot be obtained, the member or employee should make a complaint preferably in writing including a description, date(s), time(s), the name of the individual(s) and witness(es) as soon as possible to the President or any H&D Committee member. The President will request the H&D Committee's assistance and support in conducting an appropriate investigation.
- In the event, the individual is the President or a H&D Committee member and subject of the complaint the complaint should be made to another Director who is not involved.
- A complaint will be acknowledged within three (3) business days of its receipt, or as soon after as is practicable and an investigation will be initiated as soon after as is practical.
- A complaint that is reviewed by the H&D Committee and does not meet the H&DP criteria will be forwarded to the President for further action, as appropriate.
- The H&D Committee shall receive the complaint. The H&D Committee will appoint one of its members (two maximum) to investigate the complaint.
- During the course of the investigation, the investigator will update the complainant on the status of the investigation on a regular basis.
- The investigation shall include interviewing the complainant, the respondent and the witness(es).
- The investigator will provide notice to the respondent including a copy of the complaint within 5 days. The investigator will arrange separate interviews with the complainant, the respondent and witness(es). Every effort will be made for the interviews to take place within 10 days following notice. Each of the parties may be accompanied by a representative (at their own cost).
- In the event that a party does not appear, the investigator may proceed at its own discretion.
- Upon completion of the investigation, the investigator will provide its findings and recommendations to the H&D Committee in writing within 15 of the final interviews. Where there are extenuating circumstances, the parties shall be alerted to the reason for the delay and provided with the estimated timeline for the H&D Committee to reach its determination.
- Where the allegation has been upheld, the notification to the respondent will include discipline imposed and/or other appropriate action taken as may be deemed appropriate. The details of the discipline or actions taken are not to be shared with the complainant or others.

Penalties:

- Members, Directors or employees found to have violated this policy will be disciplined, if appropriate (depending on the circumstances of each case), up to and including reprimand, suspension, expulsion and/or other appropriate action taken as may be deemed appropriate.
- Members, Directors or employees found to have violated the Code of Conduct will be disciplined, if appropriate (depending on the circumstances of each case).

Complaints made in bad faith:

- If at any stage of an investigation it is determined that a complaint is frivolous, trivial or made in bad faith, the investigation will cease. The individual making such a complaint will be disciplined, if

appropriate (depending on the circumstances in each case), up to and including reprimand, suspension, expulsion.

DEFINITIONS

Alternate dispute resolution: refers to a range of methods, such as mediation, that are alternatives to formal investigation. Parties may negotiate a resolution by themselves or with a neutral person who can help them reach a mutually acceptable solution that satisfies their respective needs or interests.

Bullying: repeated and persistent negative acts towards one or more individuals which involve a perceived power imbalance and creates a hostile environment; the use of superior strength or influence to intimidate or to force including the use of threat or coercion to abuse, intimidate or aggressively impose domination over others. Bullying behaviour on or off the ice will not be tolerated and will be subject to the sanctions of this Policy.

The H&D Committee: shall mean the Harassment and Discrimination Committee which shall be composed of the President, Vice President and 3 members at large. The Committee will be responsible for managing complaints.

Discrimination: any conduct, intentional or not, which has the effect of imposing burdens, obligations or disadvantages not imposed on others, or which limits access to opportunities, benefits and advantages available to others.

Harassment: engaging in a course of vexatious comments or conduct against another that is known or ought to reasonably have been known to be unwelcome. It includes bullying, discriminatory, intimidation, and abuse of authority. When a single such event appears to create a poisoned sporting or work environment, it is also considered a violation of this policy.

Investigation: A fact-finding process to determine whether this policy has been violated.

Persons with disabilities: include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Physical abuse: any physical force or threat of physical threat to create fear and control of another person.

Poisoned sporting or work environment: An infringement of every person's right to equal and respectful treatment with respect to participating in sport or employment which refers to comments, behaviour or sporting or work environment that ridicules, belittles or degrades people or groups. A poisoned work environment could result from a serious and single event, remark or action and need not be directed at a particular individual.

Reprisals: acts or threats designed to punish an individual who has reported discrimination or harassment.

Sexual Harassment: behaviour characterized by the making of unwelcome and inappropriate sexual remarks or physical advances in a workplace or other professional or social situation. May also include gender-based harassment where any behaviour that policies reinforce traditional heterosexual gender norms.

Threat (Verbal or written): is a communicated intent to inflict physical harm or other harm on any person or property by some unlawful act. A direct threat is a clear and explicit communication distinctly indicating that the potential offender intends to do harm.

Verbal/Emotional/Psychological Abuse: a pattern of behaviour that makes someone feel worthless, flawed, unloved or endangered. Like other forms of abuse, it is based on power and control. Examples include: swearing, put downs, name calling over a period of time, labelling the victim in a derogatory way such as stupid, crazy or irrational, acts of humiliation, attacking the victim's self-esteem in other ways.

Accountability:

It is the responsibility of the President of the MCC to:

- Manage the application of this Policy;
- Ensure compliance with the content of this Policy;
- Configure and chair the H&D Committee; and
- Store securely and retain all reports and investigation records of harassment and discrimination for a period of five years.
- The harassment and discrimination policy will be reviewed annually.

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