



OTTAWA GYMNASTICS CENTRE

Policy on Workplace Violence & Harassment Prevention (WVHP)

Definitions

1. The following terms have these meanings in this Policy:

- a) **“Complainant”** – The person who has made a complaint about another individual whom they believe committed an act of violence or harassment against them.
- b) **“Respondent”** – The person whom another individual has accused of committing an act of violence or harassment.
- c) **“Individuals”** – Individuals employed by, or engaged in activities with, Gymnastics Ontario and/or its Member Clubs including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, learning facilitators, parents and guardians and spectators at events, and Directors and Officers.
- d) **“Workplace”** – Any place where business or work-related activities are conducted. Workplaces include but are not limited to, Ottawa Gymnastics Centre’s office, Member Clubs working environment, work-related social functions, work assignments outside Ottawa Gymnastics Centre’s or Member Club offices, work-related travel, the training and competition environment, and work-related conferences or training sessions.
- e) **“Abuse”** – As defined in Gymnastics Ontario’s Abuse Policy.
- f) **“Workplace Violence”**
 - a. the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
 - b. an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
 - c. a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

There are generally four types of Workplace violence:

Type 1 – Criminal Intent: a violent incident where the perpetrator has no relationship to the business of its employees;

Type 2 – Customer/Client: when the violent person has a legitimate relationship with the business as a customer, client, patient, student and becomes violent by being served by the business;

Type 3 – Worker on Worker: when an employee (past or present) attacks another employee;

Type 4 – Personal relationship: The perpetrator generally does not have a relationship with the business, but has a relationship with the intended victim. This category includes victims of domestic violence who are assaulted or threatened while at work.

- g) “Workplace Harassment” – 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;
- h) Types of behavior that constitute Harassment include, but are not limited to:
- Written or verbal abuse, threats, or outbursts;
 - Persistent unwelcome remarks, jokes, comments, innuendo, or taunts;
 - Racial / ethnic harassment, which is racial slurs, jokes, name calling, or insulting behaviour or terminology that reinforces stereotypes or discounts abilities because of racial or ethnic origin;
 - Leering or other suggestive or obscene gestures;
 - Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
 - Practical jokes which endanger a person’s safety, or may negatively affect performance;
 - Hazing, which is any form of conduct which exhibits any potentially humiliating, degrading, abusive, or dangerous activity expected of a junior-ranking individual by a more senior individual, which does not contribute to either individual’s positive development, but is required to be accepted as part of a team or group, regardless of the junior-ranking individual’s willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any teammate or group member based on class, number of years on the team or with the group, or ability;
 - Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
 - Deliberately excluding or socially isolating a person from a group or team;
 - Persistent sexual flirtations, advances, requests, or invitations;
 - Physical or sexual assault;
 - Use of social media in a negative or threatening manner.

Intent

The Ottawa Gymnastics Centre (“OGC”) is committed to building and preserving for its employees and volunteers a safe, productive, and healthy working environment based on mutual respect. We are committed to providing a safe, productive and healthy work environment, free from violence (including threats of violence), discrimination, harassment (including sexual harassment), intimidation, bullying (either in person or via social media), and any other misconduct. It is important to OGC that within their programs, activities, and events individuals are informed and understand that there is an expectation, at all times, of appropriate behavior consistent with Gymnastics Ontario and OGC’s core values. OGC does not condone and will not tolerate acts of violence, harassment, or bullying against or by any OGC employee or volunteer.

This policy is one of several policy tools that the OGC will use to fulfill its commitment to provide a safe, productive and healthy work environment and to protect individuals from harm. Individuals who violate this policy are subject to disciplinary and corrective action, up to and including termination of employment if the individuals are employees.

Guidelines

This policy prohibits reprisals against individuals acting in good faith who report incidents of workplace violence or harassment or act as witnesses. Management will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further violence. Reprisal is defined as any act of retaliation, either direct or indirect.

OGC will ensure that all employees are trained and educated on harassment and violence and that they are clear about their roles and responsibilities, as well as this policy, the corresponding program, and all workplace procedures. In addition, a copy of this policy will be provided to all employees.

This policy is not meant to stop free speech or to interfere with everyday interactions. However, what one person finds inoffensive, others may not. Usually, harassment can be easily distinguished from normal, mutually acceptable socializing. It is important to remember that it is the perception of the receiver that determines whether the potentially offensive message is acceptable or not, be it spoken, gestural, pictorial, or some other form of communication which may be deemed objectionable or unwelcome.

Application of this policy

This policy applies to all individuals working for the organization, including front-line employees, temporary employees, contract service providers, contractors, all supervisory personnel, managers, officers, and directors. The organization will not tolerate violence or harassment, whether engaged in by fellow employees, managers, officers, directors, or contract service providers of the organization.

OGC will not tolerate any form of harassment or discrimination against job candidates and employees on any grounds listed in the definitions for violence and harassment, whether during the hiring process or during employment. This commitment applies to such areas as training, performance assessment, promotions, transfers, layoffs, remuneration, and all other employment practices and working conditions.

All OGC employees are personally accountable for adhering to the policy and Executive Management are responsible for enforcing this policy and must make every effort to prevent harassing and violent behavior and to immediately take action if they observe a problem or if a problem is reported to them.

For the purposes of this policy, harassment and bullying and violence can occur:

- At the workplace;
- At employment-related social functions;
- In the course of work assignments outside the workplace;
- During work-related travel;
- Over the telephone, if the conversation is work-related; or
- Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship.

Risk Assessment

As part of the OGC's overall risk assessment, the organization will conduct a risk assessment of the work environment to identify any issues.

The risk assessment may include review of records and reports: e.g., security reports, employee incident reports, staff perception surveys, health and safety inspection reports, first aid records, or other related records. Specific areas that may contribute to risk of violence may include, but are not limited to, contact with the public, exchange of money, and working alone or at night. Research may also include a review of similar workplaces with respect to their history of violence.

The OGC will communicate information relating to a person with a history of violence where:

- Employees may reasonably be expected to come into contact with the person in the performance of their job duties; and
- There is a potential risk of workplace violence as a result of interactions with the person with a history of violence.

OGC will only disclose personal information in accordance with the applicable provincial privacy legislation.

Complaint Procedures

Reporting

Any individual who feels they have been subject to violence or harassment can and should, in all confidence and without fear of reprisal, personally report the facts directly to their supervisor or manager, or to the Executive Director, if the complaint relates to their supervisor or manager.

Reporting Discrimination, Violence and Harassment

If you are either directly affected by or witness to any violence in the workplace, it is imperative for the safety of all OGC employees that the incident be reported without delay. Reporting any violence or potentially violent situations should be done immediately to management, or the Executive Director.

Reporting Violence and Harassment

Informal Procedure

If you believe you have been subject to violence or harassment you may:

- Confront the respondent personally pointing out the unwelcome behaviour and requesting that it stop; or
- Discuss the situation with the individual's management, supervisor or any other supervisor other than your own.

Formal Procedure

If you believe you have been subject to harassment, you may make a written complaint. The written complaint must be delivered to the Executive Director. Your complaint should include:

- The approximate date and time of each incident you wish to report;
- The name of the person or persons involved in each incident;
- The name of any person or persons who witnessed each incident; and
- A full description of what occurred in each incident.

Investigating Reports of Violence and Harassment

The OGC shall:

- Investigate all reported acts and incidents of violence and harassment, and consult with other parties (e.g., legal counsel, health and safety consultants, human rights commission, local police services).
- Take all reasonable measures to eliminate or mitigate risks identified by the incident.
- Document the incident, its investigation, and corrective action taken.
- Submit a report of the incident to the Ministry of Labour where an employee incurs a lost time injury as a result of violence in the workplace.
- Review this policy annually and the hazard assessment on a cyclical basis annually or as changes to job responsibilities or environments occur, and revise the assessment as needed.
- Review annually, in conjunction with review of the hazard assessment, the effectiveness of actions taken to minimize or eliminate workplace violence and make improvements to procedures, as required.

The Executive Management will

- Review the Workplace Violence Hazard Assessment results and provide recommendations to management to reduce or eliminate the risk of violence.
- Review all reports forwarded to the regarding workplace violence and other incident reports as appropriate pertaining to incidents of workplace violence that result in personal injury or threat of personal injury, property damage, or police involvement.
- Participate in the investigation of critical injuries (e.g., incidents that place life in jeopardy or result in substantial blood loss or fracture of leg or arm.)
- Recommend corrective measures for the improvement of the health and safety of employees.

- Respond to employee concerns related to workplace violence and communicate these to management.

In addition, the safety representative may participate in the investigation of reported incidents that result in personal injury or have the potential to result in injury.

Investigating Reports of Violence or Harassment

Once a written complaint has been received, OGC will complete a thorough investigation. The organization will ensure that, where possible the investigation is completed within 90 days of the complaint being filed.

Employees will not be demoted, dismissed, disciplined, or denied a promotion, advancement, or employment opportunities because they rejected sexual advances or because they lodged a complaint when they honestly believed they were being harassed or discriminated against.

OGC will ensure that all information obtained during the course of an investigation will not be disclosed, unless the disclosure is necessary for the purposes of investigating or taking corrective action, or is otherwise required by law.

For the purposes of this section the following definitions apply:

The investigation will include:

- Informing the respondent of the complaint;
- Interviewing the complainant, any person involved in the incident, and any identified witnesses; and
- Interviewing any other person who may have knowledge of the incidents related to the complaint or any other similar incidents.

A copy of the complaint, detailing the complainant's allegations, is then provided to the respondent.

- The respondent is invited to reply in writing to the complainant's allegations, and the reply will be made known to the complainant before the investigation proceeds further.
- The company will protect from unnecessary disclosure the details of the incident being investigated and the identities of the complainant and the respondent.
- During the investigation, the complainant and the respondent will be interviewed, as will any possible witnesses. Statements from all parties involved will be taken and documented, and a decision will be made.
- If necessary, the company may employ outside assistance or request the use of legal counsel.
- Upon completion of the investigation, OGC will inform both the complainant and respondent in writing of the findings of the investigation and any corrective action that has been or will be taken as a result of the investigation.

- Where practicable, the complainant and respondent will receive notification of the results of the investigation within 10 days of the investigation being completed.

If the complainant decides not to lay a formal complaint, senior management may decide that a formal complaint is required (based on the investigation of the incident) and will file such documents with the person against whom the complaint is laid (the respondent).

If it is determined that harassment in any form has occurred, appropriate disciplinary measures will be taken as soon as possible.

Seeking Immediate Assistance

Canada's *Criminal Code* addresses violent acts, threats, and behaviours, such as stalking. The police should be contacted immediately when an act of violence has occurred in the workplace or when someone in the workplace is threatened with violence. If an employee feels threatened by a co-worker, volunteer, contractor, student, vendor, visitor, client, or customer, an immediate call to "911" is required.

The Right to Refuse Unsafe Work

- The right to refuse unsafe work is a legal right of every employee provided by the *Occupational Health and Safety Act*. OGC is committed to ensuring a safe workplace.
- If you wish to pursue this right, please promptly report the circumstances of the refusal to your supervisor or management.

Special Circumstances

Should an employee have a legal court order (e.g., a restraining order, or "no-contact" order) against another individual, the employee is encouraged to notify his or her supervisor, and to supply a copy of that order to the Executive Director. This will be required in instances where the employee strongly feels that the aggressor may attempt to contact that employee at OGC, in direct violation of the court order, so that OGC may take all reasonable actions to protect the employee. Such information shall be kept confidential and protected in accordance with all applicable legislation.

If any visitor to the OGC workplace is seen with a weapon (or is known to possess one), or makes a verbal threat or assault against an employee or another individual, employee witnesses are required to immediately contact the police, emergency response services, their immediate supervisor, and the Executive Director.

All records of harassment and subsequent investigations are considered confidential and will not be disclosed to anyone except to the extent required by law.

In cases where criminal proceedings are forthcoming, OGC will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.

Fraudulent or Malicious Complaints

This Policy on **Workplace Violence & Harassment Prevention** must never be used to bring fraudulent or malicious complaints against employees. It is important to realize that unfounded or frivolous

allegations of personal harassment may cause both the accused person and the company significant damage. If it is determined by the company that any employee has knowingly made false statements regarding an allegation of personal harassment, immediate disciplinary action will be taken.

Disciplinary Measures

If it is determined by OGC that any employee has been involved in a violent behaviour, unacceptable conduct, or harassment of another employee, immediate disciplinary action will be taken. Such disciplinary action may involve counselling, a formal warning, or dismissal.

Record Keeping

OGC will ensure that appropriate records of complaints and investigations relating to workplace harassment and sexual harassment are kept, 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 worker who allegedly experienced the workplace harassment and the alleged harasser, if the alleged harasser is a worker of the employer; and
- A copy of any corrective action taken to address the complaint or incident of workplace harassment.

Confidentiality

OGC will do everything it can to protect the privacy of the individuals involved and to ensure that complainants and respondents are treated fairly and respectfully. OGC will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law. Neither the name of the person reporting the facts nor the circumstances surrounding them will be disclosed to anyone whatsoever, unless such disclosure is necessary for an investigation or disciplinary action. Any disciplinary action will be determined by the company and will be proportional to the seriousness of the behaviour concerned.

OGC will also provide appropriate assistance to any employee who is the victim of violence, discrimination, or harassment.

Managing and Coaching

Counselling, performance appraisal, work assignment, and the implementation of disciplinary actions are not forms of harassment, and this policy does not restrict a manager's or supervisor's responsibilities in these areas.

Policy Review

As required by the *Occupational Health and Safety Act*, OGC will review this policy annually and will post the policy in a conspicuous place in the workplace.

ANNEX:

Bill 168, Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace) 2009

- Section 32.0.1 of the Act requires an employer to prepare policies with respect to workplace violence and workplace harassment, and to review the policies at least annually.

Bill 168

[Bill 168, Occupational Health and Safety Amendment Act \(Violence and Harassment in the Workplace\) 2009 - Legislative Assembly of Ontario \(ola.org\)](#)

Bill 132

<https://bill132.ca/>

OGC Discipline & Complaints Policy

<https://www.ottawagymnasticscentre.ca/pages/About-Us/Policies/>

Gymnastics Ontario Abuse Policy

<https://www.gymnasticsontario.ca/wp-content/uploads/2019/04/Abuse-Policy-April-2019.pdf>